

# CITY OF LAWRENCE

## Revised Zoning Ordinance

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*With Amendments through August 15, 2011*

## Chapter 29 of the Lawrence Revised Ordinances

**NOTE:**

**REVISED**  
**4-14-98**

**REVISION FLAGS ARE USED TO INDICATE THAT A SECTION OF THE  
ORDINANCE TEXT HAS BEEN REVISED. TEXT REVISIONS ARE LOCATED IN  
THE BACK PAGES OF THE ORDINANCE BOOK AND ORGANIZED BY DATE.**

## CHAPTER 29

### Zoning Ordinance

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## ARTICLE I IN GENERAL

### **Sec. 29-1. Short Title.**

This chapter shall be known as the "City of Lawrence Revised Zoning Ordinance."

### **Sec. 29-2. Purpose of Ordinance.**

This ordinance is created to regulate the location, size and use of buildings and other structures and uses of land in the City, and to lessen congestion in the streets; conserve health; secure safety from fire, flood, panic and other dangers; provide adequate light and air; prevent overcrowding of land; avoid undue concentration of population; encourage housing for all income levels; facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements; conserve the value of land and buildings; conserve natural resources; prevent blight and pollution of the environment; and preserve and increase amenities in the City.

### **Sec. 29-3. Most Stringent Provisions to Apply.**

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of health, safety or general welfare.

Where this ordinance imposes greater restrictions upon the use of a building, structure or land or upon the height, bulk or size of a building or structure or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or permits, the provisions of this ordinance shall govern. Where any other provisions of other ordinances, rules, regulations or permits impose greater restrictions upon the use of a building or land, or upon the height, bulk or size of a building or structure, or require larger open spaces than are required under the regulations of this ordinance, such provisions shall govern.

### **Sec. 29-4. Definitions.**

For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section.

All words used in the present tense include future; the singular number includes the plural and the plural the singular; and the word "used" includes the words "arranged," "designed," or "intended to be used"; the word "occupied" includes the words "arranged," "designed," or "intended to be occupied".

**Abandoned vehicle.** Any vehicle which is not registered, which is inoperable, and which remains inoperable and not registered for longer than one month, thus showing an intent to abandon.

**Accessory building or structure, or use.** The use of a subordinate building or structure, or the use of the lot, which use is customarily incidental to the principal use of the main building or structure, or to the principal use of the lot. An accessory building, structure or use shall be located on the same lot as the main building or structure or the principal use of the lot.

**Adult uses.** Adult bookstores, videostores, adult motion picture theatres, adult live shows, adult entertainment centers, and other uses which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined

in section thirty-one of chapter two hundred seventy-two of the massachusetts general laws, including but not limited to the following: [amended 12/7/93]

**Adult bookstore/videostore.** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, videos, adult live shows and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in section 31 of chapter 272 of the Massachusetts General Laws. [amended 12/7/93]

**Adult motion picture theatre.** An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in section 31 of chapter 272 of the Massachusetts General Laws. [amended 12/7/93]

**Alley.** A passageway open to public travel which generally provides a secondary means of access to a property, but which is not intended for general traffic usage and shall not be used as frontage.

**Alteration.** As applied to a building or structure, a change or re-arrangement in the structural parts or in the exit facilities.

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**Area, building.** The total of areas of all floors in use taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

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10-7-03

**Assisted Living.** Shared residential living environment for elderly persons (aged 65 or older). On site services and facilities, such as meals, cleaning, laundry, recreation, fitness, transportation and social activities, may be offered. Medical services (but not long term hospital or nursing home care) may also be offered. Residents may have their own or share bedrooms, kitchens, dining areas, bathrooms and living areas. [amended 4/15/97]

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**Basement.** A portion of a building located partly underground, but having less than half its floor-to-ceiling height below the average grade of the adjoining ground.

**Billboards.** Any sign or other advertising device subject to licensing by the State Outdoor Advertising Board, or signs subject to the provisions of General Laws, Chapter 93, Sections 29 through 33 or Chapter 93D.

**Block.** A property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting streets and railroad right-of-way, canal, park, river channel or unsubdivided acreage.

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**Building.** A structure having a roof supported by columns or walls, used or intended to be used for the shelter of persons, animals or property.

**Building Commissioner.** The person appointed as building commissioner pursuant to the State Building Code.

**Building, principal.** A building in which is conducted the principal use of the lot on which it is situated.

**Cellar.** A portion of a building having more than half its floor-to-ceiling height below the average grade of the adjoining ground. No cellar or portion thereof shall be used as a dwelling unit.

**Certificate of occupancy.** A statement signed by the building commissioner setting forth either that a building or structure complies with the provisions of this ordinance or that a building, structure or parcel of land may lawfully be employed for specified uses or both.

**Club, lodge and social building.** Any social, athletic or fraternal organization catering to members and their guests not conducted primarily for gain.

**Conference center.** Any structure, or portion thereof, designed for conferences, meetings, workshops and exhibits, and to be used on a temporary basis by various individuals, groups, or both.

**Conversion of existing dwellings.** The alteration of an existing dwelling to a larger number of dwelling units.

**Coverage.** The percentage of the plot or lot area covered by the building area.

**Day Care, adult.** A regularly operated facility which provides instruction or daytime care for persons over the age of 16 who because of age, infirmity, or condition require such care.

**Day Care Facility, child.** A day care center or a school age child care program, as those terms are defined in M.G.L. Chapter 28-A, Section 9.

**Day Care, child, home facility.** A regularly operated child care facility, located with the operators home, which provides daytime care to five or less children under the age of 16. Said use shall clearly be an accessory use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use.

**Districts.** Zoning districts as otherwise provided herein, with uniform requirements for each class or kind of building, structure or use permitted.

**Dormitory.** A building or portion thereof used for sleeping purposes in connection with a school, college, or other educational or similar institution to be licensed pursuant to M.G.L. Chapter 140, Sections 22 through 31.

**Dwelling.** A building or portion thereof designed or used exclusively as the living quarters for one or more families, except a mobile home, unless otherwise provided herein.

**Dwelling unit.** A dwelling or portion thereof, providing complete living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**One-family dwelling.** A building designed for and occupied exclusively as a residence for one family.

**Two-family dwelling.** A building designed for and occupied exclusively as a residence for two families.

**Multi-family dwelling.** A building designed or occupied exclusively as a residence other than as a one-family dwelling or two-family dwelling.

**Extension.** As applied to a building or structure, an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

**Facade.** That vertical portion of a building or structure fronting or facing the street side of a lot, which must contain at least 10% glazing and at least one front entry door per unit or, in the case of multi-family structure, one common entry that faces the street.

**Corner lot facade.** The same as facade, except that at least one door and 10% glazing is required per unit on at least one of the streets upon which the building or structure fronts or faces.

**Through lot facade.** The same as facade, except that at least one door and 10% glazing is required per unit on at least one of the streets upon which the building or structure fronts or faces.

**Family.** One or more persons, including domestic employees occupying a dwelling unit and living as a single housekeeping unit; provided, however, that a group of four or more persons over the age of 17 who are living together as a single housekeeping unit and who are unrelated, shall not constitute a family.

**Fraternity or Sorority house.** A live-in facility for students, in connection with a school, college, or other educational or similar institution to be licensed pursuant to General Laws, Chapter 140, Sections 22 through 31.

**Frontage.** An uninterrupted distance measured between lot lines along a single way.

**Front lot line.** The line which runs along the street frontage.

**Garage.** A building or enclosure primarily designed or used for motor vehicles.

**Community garage.** A group of private garages either attached or under one roof arranged in a row or around a common means of access, and erected primarily for the housing of motor vehicles belonging to residents in the immediate vicinity.

**Private garage.** A detached accessory building or an attached garage used only for the storage of private vehicles, owned or rented.

**Parking garage or lot.** Any garage or lot other than a private garage or a community garage which is open to the public and used for the storage of motor vehicles.

**Gasoline station/Service station.** Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, including auto body or paint spraying as accessory uses to the gasoline station/service station.

**Group home.** Premises for the residential care, in any single principal building which provides resident care services, of individuals of whom one or more are unrelated. These individuals must be designated as emotionally, physically or intellectually handicapped or in need of adult supervision and should be provided publicly assisted service and supervision in accordance with their individual needs. It shall not include rooming houses, boarding houses, guest houses, hotels, inns, lodging houses, dormitories, hospitals, sanitariums, convalescent or nursing homes, infirm-

aries, hospices, boarding homes for unwed mothers, temporary shelter facilities or family foster care facilities.

**Guest house.** A house where lodgings only are offered to the public for compensation in which no provision is made for cooking and in which the room is used only for transient occupancy to be licensed pursuant to General Laws, Chapter 140, Sections 32A through 32E.

**Height of building.** The vertical distance from the grade 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 on more than one (1) street, the height shall be measured from the average of the grades at the center of each street frontage.

**Heliport.** An area used or to be used for landing or take-off of helicopters or other steep-gradient aircraft capable of hovering, and may include any or all of the area or buildings which are appropriate to accomplish these functions.

**Home occupation.** An accessory use of a service character customarily conducted in a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small name plate and in connection therewith there is not involved the keeping of a stock in trade. Without limiting the generality, the following shall be deemed home occupations. The office of a physician, osteopath, surgeon, lawyer, dentist, optometrist, architect, engineer, accountant, instructor in violin, piano, or other individual musical instruments limited to a single pupil at one time, who offers skilled services to clients (and is not professionally engaged in the purchase or sale of economic goods) shall be deemed home occupations. The following list including but not limited to dancing instruction, band instrument instruction in groups, tea rooms, tourist homes, beauty parlors, barbershops, real estate offices, convalescent homes, mortuary establishments, and stores, trades or businesses of any kind not herein excepted shall not be deemed a home occupation.

**Hospice.** A facility for the care of the terminally ill.

**Hotel.** A building designed for occupancy as the temporary residence of individuals who are lodged with or without meals and in which no provision is made for cooking in any individual room or suite.

**Launderette.** A business premises equipped with individual clothes washing machines and dryers, or both, for the use of retail customers exclusive of laundry facilities provided as an accessory use in an apartment house or a hotel for residents of the apartment house or hotel.

**Loading space.** Any off-street space available for the loading or unloading of goods from one truck; not less than ten feet wide, thirty-five feet long, and fourteen feet high, and having direct usable access to a street or alley. A loading space shall not be considered a parking space.

**Lodging house.** Any building or portion thereof arranged or used for lodging by more than three (3) lodgers or boarders and where cooking or sanitary facilities may be provided.

**Lot.** An area of land in one ownership, with definite boundaries, used, or available for use, as the site of one or more buildings.

**Corner lot.** A lot abutting upon two or more streets at their intersection. The minimum front yard setback shall be provided on each street. A corner lot shall have only front and rear lot lines and yards.

**Interior lot.** A lot bounded by a street on one side only.

**Through lot.** A lot, not a corner lot, having frontage on two streets, including, in a R-4 or any business or industrial district, lot having frontage on a street and on an alley.

**Lot area.** The computed area contained within the lot lines.

**Major thoroughfare.** As noted on the Zoning Map.

**Massage Therapy.** An establishment where duly licensed massage therapists practicing therapeutic massages, condition baths of water, vapor or other substances, pools, showers or other baths, facial and scalp massaging are given in accordance with the rules and regulations of the Board of Health and M.G.L. Chapter 140, Section 51 in connection with health clubs, beauty parlors, hairdresser/barber shops, medical facilities or other like facilities to operate only in Business and Industrial districts with the exception of B-1 districts. Massage therapy is prohibited in all establishments operated solely as massage parlors or in connection with any facility where liquor is served, or which is licensed for entertainment purposes.

**Mixed Use.** Occupancy of a building, structure or land for more than one use.

**Mobile home/trailer.** A structure, transportable in one or more sections, which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length, and which is built on a permanent chassis, and designed to be used as a dwelling with permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

**Motel.** A series of attached, semi-detached, or detached units without kitchen facilities, having a private outside entrance for each unit, provided with an automobile parking space convenient to each unit and providing lodging with or without meals and other incidental services, for a transient clientele exclusively to be licensed pursuant to General Laws, Chapter 140, Sections 32A through 32E.

**Nursing home.** Any premises licensed by the Commonwealth to function as a nursing home.

**Open space.** The space on a lot unoccupied by buildings, unobstructed to the sky, not devoted to streets, driveways, off-street parking or loading spaces and expressed as a percentage of the total lot area. Walks and terraces may not include more than fifty percent of the total required open space.

**Parking facility.** A parking area containing one or more parking spaces where off-street parking of vehicles is permitted other than as an accessory use. [amended 7/16/96]

**Permit granting authority.** The Lawrence Zoning Board of Appeals and/or The Lawrence Planning Board.

**Planned Unit Development.** A mixed use development and two or more buildings or structures on a plot of land containing a minimum of the lesser of sixty thousand square feet or five times the minimum lot size of the zoning district in which a mixture of residential, open space, commercial, industrial or other uses and a variety of building types are determined to be



sufficiently advantageous to render it appropriate to grant special permission to depart from the normal requirements of the district.

**Planning Board.** The Planning Board of the City of Lawrence.

**Porch.** A roofed open structure projecting from the front, side or rear wall of a building and having no enclosed features of glass, wood or other material more than thirty-six inches above the floor thereof, except awning or screening or the necessary columns to support the roof.

**Rear lot line.** The line which runs opposite the front lot line on the rear boundary.

**Reconstruction.** As applied to a building or structure, the rebuilding of 50% or more of the building or structure after fire or other natural holocaust.

**Rehabilitation.** Any exterior building alteration which requires a building permit. This does not prohibit other rehabilitation.

**Shopping Center.** A combination of four (4) or more retail and/or service commercial establishments on a single lot which rely on and are developed with mutual and coordinated parking facilities, pedestrian walkways, landscaping and loading/unloading facilities. May include restaurants and theaters.

**Side lot line.** Any line which connects the rear lot line and front lot line and runs along any side boundary.

**Sign.** A sign is any permanent or temporary structure, device, billboard, letter, word, banner, pennant, insignia or representation which is used as, or which is in the nature of, an advertisement, announcement or direction, and which is within the nature of an advertisement, announcement or direction, and which is within public view. Flags and insignia of any government shall not be considered signs.

**Sign alteration.** Alteration of a sign is any enlargement, relocation, redesign, repainting in a different color or relettering.

**Signboard.** Any structure or part thereof on which lettered or pictorial matter is displayed for advertising or notice purposes, but not including billboards.

**Special permit granting authority.** Board of Appeals or Planning Board as otherwise set forth in this ordinance.

**Story.** The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the next ceiling above it.

**Story, half.** A partial story with at least two opposite exterior sides meeting a sloping roof.

**Street.** Any public or private way which affords the principal means of access and provides frontage to an abutting property.

**Structural change.** As applied to a building or structure, any change in the supporting members of a building such as bearing walls, columns, beams or girders.

**Structure.** Anything constructed or erected, the use of which demands its permanent location on the land, or anything attached to something having a permanent location on the land, and including signs.

**Substantial addition.** Any addition to a dwelling which increases 25% of the existing year-round habitable area of the building or structure.

**Substantial extension.** As applied to a use, an extension of a use beyond the circumscribed area used prior to such extension, or an increase in the time of use, or making the same use in a different manner.

**Swimming pool.** A private artificial or semi-artificial receptacle capable of containing a body of water, whether in or above the ground, and all appurtenances, equipment, appliances and other facilities for its operation, maintenance or use, to be used by the owner, tenant, and guests without payment of any fee.

**Take-out Restaurant.** A restaurant which prepares and packages food for retail sale to the general public which is to be consumed off the premises and which provides no seating capacity other than a waiting area for customers. Not a caterer, which is to be considered retail service.

**Theater.** A building or portion of a building devoted to the showing of moving pictures, stage plays or live presentations on a paid admission basis or an open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis to patrons on outdoor seats.

**Theater, outdoor, drive-in.** An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles.

**Temporary Mobile Home.** A mobile home to be located on the site of a residence destroyed by fire or other natural holocaust to be occupied for no longer than twelve (12) months while the residence is being rebuilt. Such mobile home shall be in compliance with the provisions of the State Sanitary Code and the Building Code.

**Unregistered vehicle.** Any vehicle which does not have a registration card and vehicle plates attached thereon issued by an authority with legal jurisdiction.

**Use.** The specific purpose for which land, a building or structure, is designed, arranged, intended, or for which it may be occupied and maintained.

**Use, nonconforming.** The use of land, a building, or structure which does not conform to the provisions set forth for the district in which it is located. A nonconforming use, building or structure shall be deemed pre-existing, if it complied with any zoning in effect at the time of commencement or construction, or if there was no zoning in effect at the time of commencement or construction, but which use, building, or structure does not comply with present zoning.

**Yard.** An open, unoccupied space, other than a court, on the same lot with a building or structure, unobstructed from the ground to the sky, except as otherwise provided herein.

**Front yard.** A yard extending across the full width of the lot extending from the front lot line to the nearest point of the building.

**Rear yard.** A yard extending across the full width of the lot extending from the rear lot line to the nearest point of the building.

**Side yard.** A yard between the side lot line, which extends from the front lot line to the rear lot line to the nearest point of the building.

**Width, lot.** Dimension of the lot between the side lot lines, which dimension must be maintained throughout the lot from the front lot line to the rear lot line.

## ARTICLE II DISTRICTS AND MAP

### Sec. 29-5. Zoning Map Adopted by Reference.

The map referred to in this ordinance identified by the title "Zoning Map of the City of Lawrence, Massachusetts, adopted by the City Council, March 8th, 1943" as amended up to and including the effective date of this ordinance, shall be known as the zoning map.

The zoning map, as amended, which is on file in the offices of the assessor, city clerk, building commissioner, and Department of Planning and Community Development, is hereby adopted and declared to be part of this ordinance.

### Sec. 29-6. Division of City into Districts.

For the purpose of this ordinance, the city is divided into the following zoning districts which are shown on the zoning map and shall be known as:

- HA Highway Access district *[amended 4/15/97]*
- OSR Open space and recreation district
- PIO Planned Industrial Overlay district *[amended 7/16/96]*
- R-1 One-family residential district
- R-1A One-family residential district
- R-2 Two-family residential district
- R-2A Two-family residential district
- R-3 Multi-family residential district
- R-4 Multi-family residential district
- B-1 Local business district
- B-2 Secondary business district
- B-3 Main business district
- I-1 Industrial park district
- I-2 General industrial district
- I-3 Limited industrial district

### Sec. 29-7. Boundaries of Districts.

- (a) The location and boundaries of the districts named in the preceding Section are and shall be as shown on the zoning map. Wherever a district boundary is shown or indicated to coincide with a street or alley line, or with a lot line, such boundary line shall be the center line of such street or alley, or shall follow such lot line.
- (b) In all other cases, the location of a district boundary shall be ascertained by its location on the zoning map and by such aids to interpretation as are furnished by the zoning map and by this Chapter.

(c) Lots in two or more districts where a district boundary line divides a lot in one ownership, the regulations for the less restricted portion of the lot shall extend not more than thirty feet (30') into the more restricted portion, provided the lot has the required frontage in the less restricted district and all the frontage on that street is in the less restricted district. no curb cuts shall be located in the more restricted district to provide access to uses other than those permitted in the more restricted district. lots that have only mixed zoning frontage on all streets will be regulated by the more restricted district. If frontage is on a street in the more restricted district, the regulations for the more restricted district shall apply to the whole lot. *[amended 11/5/92]*

REVISED  
3-17-98

**Sec. 29-8. Building Permit Requirements.**

The building commissioner shall withhold a building permit for the construction, reconstruction, rehabilitation, alteration or moving of any building or structure, if the building or structure as constructed, reconstructed, rehabilitated, altered or moved would be in violation of this ordinance, and no permit or license shall be granted for a new use of a building, structure or land which use would be in violation of this ordinance.

## ARTICLE III USE REGULATIONS

### Sec. 29-9. In General.

- (a) **Purpose and intent.** It is the purpose and intent of this section of the ordinance to list those uses which are specifically allowed or specifically prohibited in the various zoning districts listed in sec. 29-10 of this ordinance. Any use not listed herein, providing it is of the same general character of the permitted uses contained herein, shall be allowed by special permit as governed by Sec. 29-21(a), Sec. 29-24, Sec. 29-25, Sec. 29-26 and Sec. 29-28 of this ordinance, and the Zoning Board of Appeals shall be the special permit granting authority. [amended 12/7/93]
- (b) The use regulations within each zoning district for buildings, structures, and land are set forth below and in Table 1 by district.
- (c) Hereafter no land shall be used or occupied and no building or structure shall be erected, altered, used or occupied, except in conformity with the regulations herein established for the district in which such land, building or structure is located.
- (d) **Prohibited uses.** The following uses are prohibited in all zoning districts: billboards, junkyards, mobile homes, commercial hazardous waste and infectious waste disposal and transfer facilities, except such facilities as defined in Section 150A of Massachusetts General Laws, Chapter 111 which have received a site assignment pursuant to said Section 150A and where all permits and licenses required by law have been issued to the proposed operator of the facility, used car lots except that used vehicle sales shall be permitted as an accessory use to new vehicle sales in I-3 districts and shall be permitted as an accessory use as a consequence of a special permit in I-2 districts [amended 1/3/95], the conduct of the business of removing soil, loam, sand, gravel or quarrying except where incidental to on-site construction, and an outdoor drive-in theater. Removal of soil, loam, sand, gravel or quarrying incidental to on-site construction shall mean foundation excavation and grading necessary for the construction of a building or structure on a lot, but shall not include removal of earth materials from such lot. Abandoned and unregistered vehicles shall be prohibited in all districts, except that one operable unregistered vehicle shall be permitted on a lot if a permit for the storage of the unregistered vehicle has been issued by the building commissioner, upon application by the owner of the lot and the owner of the vehicle in accordance with the provisions of Section 20-29 of the Revised Ordinances of the City of Lawrence. [amended 6/17/97] All commercial vehicles which are longer than 24 feet, greater than 2 tons, or are 16-wheel vehicles shall be prohibited in residential districts. Massage parlors as either primary or accessory use are prohibited. [ADULT USE PROHIBITION DELETED amended 12/7/93] Mobile homes are forbidden except for a temporary mobile home (see Section 29-23 vv).

REVISED  
4-14-98

## Sec. 29-10. Purpose and Intent of Zoning District Classifications.

**OSR Districts** - To permit public recreational uses in areas which will benefit and be compatible with surrounding uses.

**Planned Industrial Overlay Districts (PIO)** - To permit the control and design the development, renovation and redevelopment of Planned Industrial Developments (as such term is defined in Section 29-19(A)). *[amended 7/16/96]*

**R-1 and R-1A Districts** - To permit single family housing with a low density; to ensure a safe and healthy living environment; and to ensure that other uses permitted within the district are compatible with the single family use.

**R-2 and R-2A Districts** - To permit single and two family housing at a medium density; to ensure a safe and healthy living environment; and to ensure that other uses permitted within the districts are compatible with the single and two family uses. There shall be no more than one two-family dwelling per lot.

**R-3 and R-4 Districts** - To permit single family, two-family, and multi-family housing at a high density and a greater height; to ensure a safe and healthy living environment; and to ensure that other uses permitted within the districts are compatible with the permitted residential uses.

**Local Business Districts. (B-1)** - To permit less intense commercial uses in transitional zones between residential and downtown business areas and industrial areas; to provide small establishments with convenience goods and services oriented to nearby neighborhoods and local residents, rather than regional clientele; and to ensure compatibility of all uses within the district.

**Secondary Business Districts. (B-2)** - To permit moderate intensity commercial uses at a medium density; to provide larger establishments for goods and services oriented to local and regional clientele; and to ensure compatibility of all uses within the district.

**Main Business Districts. (B-3)** - To permit commercial and retail uses in the downtown business area and surrounding areas; to ensure pleasant, healthy, and safe environment for retail sales and services; and to encourage pedestrian use of retail facilities.

**Industrial Park Districts. (I-1)** - To permit less intense industrial uses in industrial subdivisions and planned parks in order to facilitate the best use of land.

**General Industrial Districts. (I-2)** - To permit the most intense industrial uses of the City in an environment whereby the uses are safe, healthy, and pleasant and do not impact upon other uses permitted within the general industrial district or with other uses permitted in other surrounding districts in the City.

**Limited Industrial Districts. (I-3)** - To permit medium intensity industrial uses; and to ensure that such industrial uses are compatible with other uses permitted in the district and in surrounding zoning districts.

**HA Districts** - To permit development of larger land areas having ready access to major interstate and state highways and separated from the remainder of the City by such highways. *[amended 4/15/97]*

## Sec. 29-11. Use Table.

**TABLE 1**  
**Schedule of Requirements**

<b>P</b>	Permitted.
<b>PSR</b>	Permitted with site plan review by the Planning Board pursuant to Articles VII and VIII. [4/15/97]
<b>SPSR</b>	Special permit by Board of Appeals with site plan review by the Planning Board pursuant to Articles VII and VIII.
<b>SPSA</b>	Special permit and site plan approval by Planning Board pursuant to Articles VII and VIII.
<b>NO</b>	Prohibited.

**USE****DISTRICT**

**OSR   R-1   R-2   R-3**  
**R-IA   R-2A   R-4   HA   B-1   B-2   B-3   I-1   I-2   I-3**

[4/15/97]

**A. Agriculture**

Agriculture on 5 acres +	P	P	P	P	P	P	P	P	P	P	P	P
Horticulture on 5 acres +	P	P	P	P	P	P	P	P	P	P	P	P
Floriculture on 5 acres +	P	P	P	P	P	P	P	P	P	P	P	P
Viticulture, on 5 acres +	P	P	P	P	P	P	P	P	P	P	P	P
Structures accessory to agriculture, horticulture, floriculture, and viticulture on 5 acres +	P	P	P	P	P	P	P	P	P	P	P	P

**B. Commercial**

Adult Uses (§ 29-23 ww) [12/7/93]	NO	NO	NO	NO	NO	SPSR	SPSR	NO	NO	SPSR	NO	NO
Assembly / function halls (§ 29-23 u)	NO	NO	NO	NO	PSR	NO	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR
Athletic field (§ 29-23 v)	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR
Automatic teller machine, not part of existing structure (§ 29-23 jj)	NO	NO	NO	NO	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR
Automobile or other vehicle sales, and service, new (§ 29-23 ee), 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. [1/3/95]	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	SPSR	P
Automobile or other vehicle sales, and service, used	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Awnings & Canopies (§ 29-23 tt)	NO	P	P	P	P	P	P	P	P	P	P	P
Bank, main (§ 29-23 jj)	NO	NO	NO	NO	PSR	NO	P	P	SPSR	SPSR	SPSR	SPSR
Bank, branch (§ 29-23 jj)	NO	NO	NO	NO	PSR	SPSR	P	P	SPSR	SPSR	SPSR	SPSR
Bars & Cafes (§ 29-23 o)	NO	NO	NO	NO	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR
Billboards	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Billiard or pool parlor (§ 29-23 ii)	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Book bindery (§ 29-23 s)	NO	NO	NO	NO	NO	NO	NO	P	NO	P	P	P
Bowling alley (§ 29-23 ii)	NO	NO	NO	NO	NO	NO	NO	P	P	P	P	P
Carwash (§ 29-23 p)	NO	NO	NO	NO	SPSR	SPSR	SPSR	NO	NO	SPSR	NO	NO
Conference Center (§ 29-23 x)	NO	NO	NO	NO	PSR	NO	SPSR	SPSR	SPSR	SPSR	NO	SPSR

RE-  
 14-98



## USE

## DISTRICT

	R-1	R-2	R-3									
OSR	R-1A	R-2A	R-4	HA	B-1	B-2	B-3	I-1	I-2	I-3		

Convenience store (§ 29-23 e)	NO	NO <sup>1</sup>	NO <sup>1</sup>	SPSR	P	P	P	P	P	P	P	P
Drive-thru facility (§ 29-23 n)	NO	NO	NO	NO	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR
Frozen food locker	NO	NO	NO	NO	NO	NO	P	NO	P	P	P	P
Garage, filling station, or vehicle storage/impoundment facility (§ 29-23 p)	NO	NO	NO	NO	SPSR	SPSR	SPSR	NO	NO	SPSR	NO	NO
Hotel / Motel (§ 29-23 w)	NO	NO	NO	NO	PSR	NO	SPSA	SPSA	SPSA	SPSA	SPSA	SPSA
Liquor stores & Liquor sales <sup>2</sup> (§ 29-23 uu)	NO	NO	NO	NO	P	P	P	SPSR	SPSR	SPSR	SPSR	SPSR
Massage parlor	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Massage therapy (§ 29-4)	NO	NO	NO	NO	NO	NO	P	P	P	P	P	P
Mixed use (§ 29-23 kk)	NO	NO	NO	NO	P	P	P	P	p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>
Monument works (§ 29-23 t)	NO	NO	NO	NO	NO	NO	SPSR	NO	NO	SPSR	NO	NO
Office	NO	NO	NO	NO	PSR	P	P	P	P	P	P	P
Parking garage or lot (§ 29-23 y)	NO	NO	NO	NO	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR
Planned unit development (§ 29-23 z)	NO	NO	NO	NO	SPSA	SPSA	SPSA	SPSA	SPSA	SPSA	SPSA	SPSA
Public transit passenger station (§ 29-23 q)	NO	NO	NO	NO	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR
Recreational use (Commercial) (§ 29-23 ii)	SPSR	NO	NO	NO	NO	NO	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR
Recreational use (Public) (§ 29-23 ii)	P	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	NO	SPSR	SPSR	SPSR	SPSR
Rehabilitation of commercial uses and mixed use development <sup>4</sup> (§ 29-23 hh)	NO	SPSA	SPSA	SPSA	SPSA	SPSA	SPSA	SPSA	SPSA	SPSA	SPSA	SPSA
Retail sales establishment (§ 29-23 ll)	NO	NO	NO	NO	PSR	P	P	P	P	P	P	P
Retail service establishment (§ 29-23 ll)	NO	NO	NO	NO	PSR	P	P	P	P	P	SPSR	P
Restaurants (§ 29-23 o)	NO	NO	NO	NO	PSR	SPSR	P	P	P	P	SPSR	P
Roofing shop (§ 29-23 ll)	NO	NO	NO	NO	NO	NO	P	NO	NO	NO	P	NO
Temporary parking for other uses (§ 29-23 f)	NO	SPSR	SPSR	SPSR	NO	NO	NO	NO	NO	NO	NO	NO
Self-service laundromat; dry clean establishments; hand laundry (§ 29-23 mm)	NO	NO	NO	SPSR	P	P	P	NO	NO	NO	SPSR	NO
Shopping center (§ 29-23 ss)	NO	NO	NO	NO	PSR	NO	P	SPSR	SPSR	SPSR	SPSR	SPSR
Storage, outdoor (§ 29-23 dd) [1/16/96]	NO	NO	NO	NO	NO	SPSR	NO	NO	NO	NO	NO	SPSR
Telephone exchange building, electric sub-station, or other similar public facility (§ 29-23 q)	NO	NO	NO	NO	SPSR	SPSR	SPSR	NO	SPSR	SPSR	SPSR	SPSR
Theater (§ 29-23 ii)	NO	NO	NO	NO	NO	NO	SPSR	SPSR	SPRR	SPSR	SPSR	SPSR
Undertaking establishment (§ 29-23 h)	NO	NO	NO	SPSR	SPSR	SPSR	SPSR	NO	NO	NO	SPSR	NO
Upholstery shop (§ 29-23 ll)	NO	NO	NO	NO	NO	NO	P	NO	NO	NO	P	NO

REVISED  
8-4-99REVISED  
1-01REVISED  
4-3-01

## DISTRICT

## USE

OSR R-1 R-2 R-3  
R-1A R-2A R-4 HA B-1 B-2 B-3 I-1 I-2 I-3

## C. Industrial

Accessory uses to scientific development and/or research (§ 29-23 bb)	NO	NO	NO	NO	NO	NO	NO	NO	NO	P	SPSR	SPSR
Accessory uses to manufacturing or wholesale use:												
– Garage for storage and repair of motor vehicles used in connection with principal (§ 29-17 a & § 29-23 pp)	NO	NO	NO	NO	NO	NO	NO	NO	NO	P	P	P
– Employee's athletic field and facilities (§ 29-23 pp)	NO	NO	NO	NO	NO	NO	NO	NO	NO	P	P	P
– Employee's in- house day care (§ 29-23 a & § 29-23 pp)	NO	NO	NO	NO	NO	NO	NO	NO	NO	P	P	P
– Employee's restaurant (§ 29-23 o & § 29-23 pp)	NO	NO	NO	NO	NO	NO	NO	NO	NO	P	P	P
– Showroom for display of products (§ 29-23 pp)	NO	NO	NO	NO	NO	NO	NO	NO	NO	P	P	NO
Freight handling or operations (§ 29-23 pp)	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Commercial hazardous waste and infectious waste disposal and transfer	NO	NO	NO	NO	NO	NO	NO	NO	NO	SPSR	SPSR	SPSR
Heliport (§ 29-23 aa)	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	SPSR	NO
Indoor Warehousing and recovery of used automobile and machine parts (§ 29-23 yy) [2/6/96]	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Junkyards	NO	NO	NO	NO	NO	NO	NO	NO	NO	P	P	NO
Lumber yard	NO	NO	NO	NO	NO	NO	NO	NO	NO	P	P	P
Manufacturing, processing, fabrication, assembly	NO	NO	NO	NO	NO	NO	NO	NO	NO	SPSR	SPSR	SPSR
Refuse treatment and disposal subject to Ch. 111, Sec. 150 A (§ 29-23 nn)	NO	NO	NO	NO	NO	NO	NO	NO	NO	SPSR	SPSR	SPSR
Research and development facility, research laboratory or research facilities for scientific or medical research (§ 29-23 xx) [6/6/95]	NO	NO	NO	NO	NO	NO	NO	NO	NO	SPSR	SPSR	SPSR
Printing establishment (§ 29-23 s)	NO	NO	NO	NO	NO	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR
Publishing establishment (§ 29-23 s)	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Sand, gravel pit, quarry, or soil removal	NO	NO	NO	NO	NO	NO	NO	SPSR	NO	NO	SPSR	NO
Sign-making establishment (§ 29-23 r)	NO	NO	NO	NO	NO	NO	NO	NO	NO	P	P	P
Warehouse	NO	NO	NO	NO	NO	NO	NO	NO	NO	P	P	P
Wholesale sales	NO	NO	NO	NO	NO	NO	NO	NO	NO	P	P	P

## USE

## DISTRICT

OSR R-1 R-2 R-3  
R-1A R-2A R-4 HA B-1 B-2 B-3 I-1 I-2 I-3

## D. Institutional

	OSR	R-1A	R-2A	R-4	HA	B-1	B-2	B-3	I-1	I-2	I-3
Charitable, philanthropic and eleemosynary institution (§ 29-23 m)	NO	NO	NO	SPSA	SPSA	SPSA	SPSA	SPSA	NO	SPSA	NO
Church or other place of worship, religious denomination or sect (§ 29-22)	P	P	P	P	P	P	P	P	P	P	P
Club or lodge (§ 29-23 k)	NO	NO	NO	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR
Community Garage (§ 29-23 n)	NO	NO	NO	SPSA	SPSA	SPSA	NO	NO	NO	NO	NO
Day care facility, adult (§ 29-23 a)	NO	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	NO	NO	NO
Day care facility, child (§ 29-23 a)	P	P	P	P	P	P	P	P	P	P	P
Day care child home facility (§ 29-23 a)	NO	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR
Dormitory, private (§ 29-23 oo)	NO	NO	NO	NO	NO	NO	NO	NO	SPSA	SPSA	NO
Dormitory, non-profit or public (§ 29-23 oo)	P	P	P	P	P	P	P	P	P	P	P
Federal use (§ 29-22)	P	P	P	P	P	P	P	P	P	P	P
Fraternity or sorority house (§ 29-23 l)	NO	NO	SPSA	SPSA	NO	NO	NO	NO	NO	NO	NO
Halfway house and group home with educational component (§ 29-23 c)	P	P	P	P	P	P	P	P	P	P	P
Hospice (§ 29-23 m)	NO	NO	NO	NO	SPSA	SPSA	NO	NO	NO	SPSA	NO
Hospital (§ 29-23 m)	NO	NO	NO	SPSA	SPSA	SPSA	NO	NO	NO	SPSA	NO
Municipal use (§ 29-22)	P	P	P	P	P	P	P	P	P	P	P
Museum (§ 29-23 d)	NO	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR
Rest home (§ 29-23 m)	NO	NO	NO	SPSA	PSR	NO	NO	NO	NO	SPSA	NO
Sanitarium (§ 29-23 m)	NO	NO	NO	SPSA	NO	NO	NO	NO	NO	SPSA	NO
School, college, library, or accessory educational building or structure, non-profit or public (§ 29-23 c)	P	P	P	P	P	P	P	P	P	P	P
State use (§ 29-22)	P	P	P	P	P	P	P	P	P	P	P

## USE

## DISTRICT

	R-1	R-2	R-3								
OSR	R-1A	R-2A	R-4	HA	B-1	B-2	B-3	I-1	I-2	I-3	

## E. Residential and Accessory

Accessory uses:											
- Fence, hedge or enclosure wall (§ 29-17 a-2)	NO	P	P	P	PSR	P	P	P	NO	NO	NO
- Garage community (§ 29-17 a & § 29-23 n)	NO	NO	NO	SPSA	PSR	NO	NO	NO	NO	NO	NO
- Garage, private (§29-17 a)	NO	P	P	P	PSR	P	P	P	NO	NO	NO
- Shed or storage building (§29-17a)	NO	P	P	P	PSR	P	P	P	NO	NO	NO
- Swimming pool (§ 29-17 d)	NO	P	P	P	PSR	P	P	P	NO	NO	NO
- Off-street parking (§29-23g) [7/16/96]	NO	P	P	P	PSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR
- or Other Accessory Uses [4/15/97]	NO	P	P	P	PSR	P	P	P	NO	NO	NO
Assisted Living (§29-23 zz) [4/15/97]	NO	NO	NO	SPSA	PSR	SPSA	SPSA	SPSA	NO	SPSA	SPSA
Home occupation (§ 29-4)	NO	P	P	P	P	P	P	P	P	P	P
Lodging house and guest house (§ 29-23 j)	NO	NO	NO	SPSA	NO	NO	SPSA	SPSA	NO	NO	NO
Conversion of existing dwelling (§ 29-23 b)	NO	SPSA	SPSA	SPSA	NO	NO	NO	NO	NO	NO	NO
Group home, halfway house, non-educational (§ 29-23 ff)	NO	NO	SPSA	SPSA	NO	NO	NO	NO	NO	NO	NO
Mobile home	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Reconstruction of pre-existing non-conforming residential use, building or structure (§ 29-23 qq)	NO	SPSA	SPSA	SPSA	SPSA	SPSA	SPSA	SPSA	SPSA	SPSA	SPSA
Rehabilitation of one or two unit structure <sup>4</sup> (§ 29-23 hh)	NO	P	P	P	SPSA	SPSA	SPSA	SPSA	SPSA	SPSA	SPSA
Rehabilitation of multi-family structure <sup>4</sup> (§ 29-23 hh)	NO	SPSA	SPSA	SPSA	SPSA	SPSA	SPSA	SPSA	SPSA	SPSA	SPSA
Residence, single family (Article V as applicable)	NO	P	P	P	P	P	P	P	NO	NO	NO
Residence, two family (Article V as applicable)	NO	NO	P	P	P	P	P	P	NO	NO	NO
Residence, multi-family (§ 29-23 i or § 29-23 cc as applicable)	NO	NO	NO	SPSA	PSR	SPSA	SPSA	SPSA	NO	SPSA	SPSA
Substantial addition to an existing dwelling (§ 29-23 gg)	NO	SPSA	SPSA	SPSA	NO	NO	NO	NO	NO	NO	NO
Temporary mobile home (§ 29-23 vv)	P	P	P	P	P	P	P	P	P	P	P

<sup>1</sup> Exception: Convenience stores are not allowed in these districts except where proposed use is located on a corner lot which abuts upon a major thoroughfare as defined in this ordinance. Such use will require a special permit from the Zoning Board of Appeals subject to site plan review by the Planning Board and the provisions of Section 29-23(e).

<sup>2</sup> Includes all types of alcoholic beverages.

<sup>3</sup> Excluding residential uses.

<sup>4</sup> All rehabilitation requiring site plan approval must also follow the provisions of Section 29-23 hh.

**Sec. 29-12. Supplemental Use Regulations.**

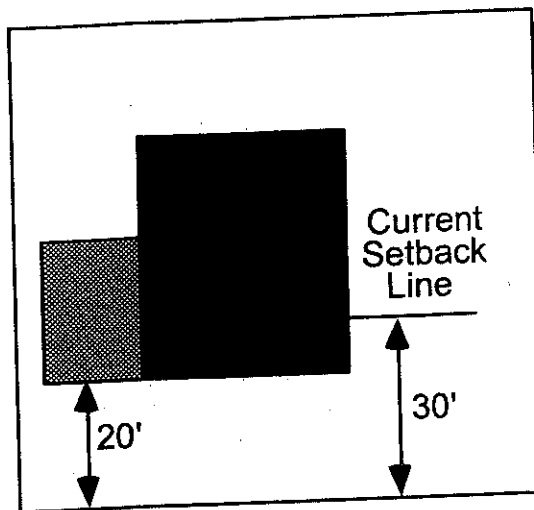
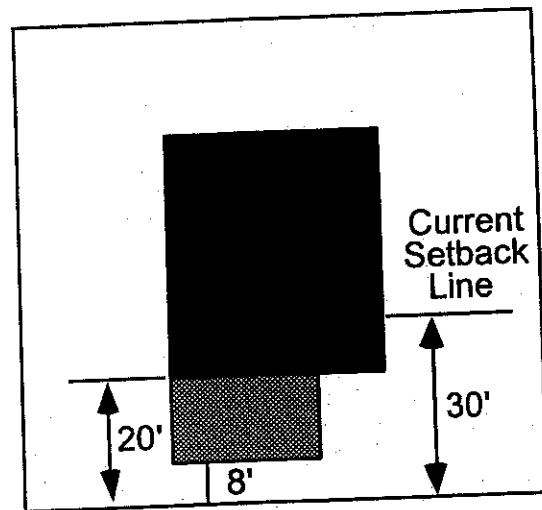
- (a) **Mixed occupancy.** In cases of mixed occupancy, the regulations for each use shall apply to the portion of the building, structure or land so used.
- (b) **Business access through residence areas prohibited.** All business or industrial district uses, when located in such districts, shall have access to a street with frontage in such districts and not across land in any residential district.
- (c) **Facade to street.** The facade of every unit shall face a street, except for units in multi-family buildings. No residential building shall be permitted to be placed on a lot sideways. All buildings and units must have their front or facade facing the street.
- (d) **Dwelling unit in partial story.** No dwelling unit or any portion thereof shall be permitted in a half or in a partial story.
- (e) **Residential use by family.** No dwelling unit shall be used except by a family as defined in this ordinance.
- (f) No more than four domestic pets, including dogs, cats, birds, and other similar domesticated animals shall be permitted on any one lot.
- (g) Unless otherwise regulated in this ordinance, in any district a chimney, ventilator, skylight, stair and elevator penthouse or other like accessory structure shall comply with the maximum height restrictions for the zoning district in which the use is located.
- (h) Regardless of the underlying district in which all or any portion of a Planned Industrial Development (as such term is defined in Section 29-19 (A)) is located, (i) all uses listed in Section 29-11 that are permitted in the I-2 District shall be permitted in a Planned Industrial Development, (ii) all uses listed in Section 29-11 that require a special permit by the Board of Appeals with site plan review by the planning board in the I-2 District shall likewise require a special permit by the board of appeals with site plan review by the planning board in a Planned Industrial Development, and (iii) all uses that are listed in Section 29-11 that require a special permit and site plan approval by the planning board in the I-2 district shall likewise require a special permit and site plan approval by the planning board. However the use of land which is located within a Planned Industrial Development on which is located or proposed to be located parking lots or garages which principally service the employees, customers, and other invitees of buildings within a Planned Industrial Development shall be permitted, whether or not the parcels of land used or such parking purposes are contiguous to the rest of the Planned Industrial Development. Further, the following uses shall be permitted in Planned Industrial Development: automatic teller machines, banks, office uses, recreational uses, retail sales establishments, retail service establishments and restaurants. *[amended 7/16/96]*



## ARTICLE IV

### NONCONFORMING USES, BUILDINGS AND STRUCTURES

#### **Sec. 29-13. Nonconforming Uses, Buildings and Structures.**

- (a) This ordinance, and any amendments to this ordinance shall not apply to the continued and unchanged existence of any use, building, or structure lawfully in existence or lawfully begun prior to the enactment of this ordinance or any amendments of this ordinance to which such use, building, or structure does not comply.
- (b) Any proposed amendment to this ordinance shall not apply to a building or special permit issued before the first notice of public hearing by the planning board on such proposed amendment.
- (c) Any such lawfully existing use, building or structure shall be deemed to be a pre-existing nonconforming use, building, or structure.
- (d) This ordinance and any amendments to this ordinance shall apply to:
  - (1) Any change or substantial extension of a nonconforming use;
  - (2) A building or special permit issued after the first notice of public hearing by the planning board on a proposed amendment;
  - (3) Any reconstruction, extension or structural change of a nonconforming building or structure; and
  - (4) Any alteration of a nonconforming building or structure to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent when the building permit for such alteration is issued after the first notice of public hearing by the planning board on a proposed amendment.
- (e) The building commissioner, however, may permit the alteration, reconstruction, extension or structural change to a nonconforming single or two-family residential dwelling, where such alteration, reconstruction, extension or structural change does not increase the nonconforming nature of such dwelling. There shall be an increase in the nonconforming nature of such dwelling when a proposal will cause an alteration, reconstruction, extension, or structural change which creates a new violation of this ordinance, and does not simply continue the existing violation of this ordinance as illustrated below. An alteration, reconstruction, extension, or structural change on an undersized lot shall not constitute an increase in the nonconforming nature of the dwelling as long as all current yards and setback requirements are complied with, except where legally nonconforming.

**Permitted****Not Permitted****Road****Legend:**

-  **Existing Building**  
 **Proposed Addition**

**Notes:**

At the time the building was constructed with a duly issued building permit, the front setback was 20'. The current front setback is 30'.

- (f) Any pre-existing nonconforming use, building, or structure may be changed, extended, or altered by a special permit from the board of appeals upon finding by the board of appeals that such change, extension, or alteration is not substantially more detrimental than the existing nonconforming use, building, or structure to the neighborhood. The board of appeals shall follow the procedure for issuing a special permit set forth under Article VII of this ordinance and may be subject to conditions, safeguards, and limitations on time or use.
- (g) Any pre-existing nonconforming residential use, building, or structure may be reconstructed in the R-1, R-1A, R-2, R-2A, R-3, and R-4 zoning district by special permit from the planning board subject to provisions of Section 29-23 (qq). Such special permit application must be filed within one year of the fire or natural holocaust which necessitates such reconstruction.

## ARTICLE V DIMENSIONAL AND PARKING REGULATIONS

### Sec. 29-14. In General.

The following Tables 2 and 3 regulate dimensional requirements for the various districts. The standards for each zoning district shall apply to all uses of land, buildings, or structures permitted by right or by special permit within a district, except when specified to the contrary. Table 4 regulates off-street parking requirements and Table 5 regulates off-street loading requirements. The dimensional regulations for the R-1 zoning district shall apply, where necessary, to all uses in the OSR, Open Space and Recreation District.

### Sec. 29-15. Dimensional Table for Residential Districts.

REVISED  
6-1-99

**TABLE 2**  
**Schedule of Dimensional Requirements Within Residential Districts**

<i>All items listed below are identified as to Maximum (Max.) or Minimum (Min.) for requirement imposed</i>	<b>R-1</b>	<b>R-1A</b>	<b>R-2</b>	<b>R-2A</b>	<b>R-3</b>	<b>R-4</b>
<b>Lot area (Min. in sq. ft.)</b>	7,000	6,500	6,000	5,500	5,000	5,000
<b>Lot area per dwelling unit (Min. in sq. ft.)</b>	7,000	6,500	5,000	5,000	2,500	2,500
<b>Lot frontage or width (Min. in feet)</b>	70	65	60	55	50	50
<b>Yards (Min. in feet)</b>						
• <b>Front</b>	25	20	20	20	15	15
• <b>Side</b>	10	10	10	10	10	10
• <b>Rear</b>	20	15	15	10	10	10
<b>Lot coverage (Max. in %)*</b>						
• <b>Dwelling</b>	30	15	15	15	15	40
• <b>All buildings</b>	40	40	40	40	40	50
• <b>Open space (Min. in %)</b>	35	35	35	35	35	35
<b>Height of structures (Max. in feet)**</b>						
• <b>Stories</b>	2-1/2	2-1/2	2-1/2	2-1/2	3	6
• <b>Feet</b>	35	35	35	35	45	70

\* The maximum coverage of the lot with buildings, structures and pavement shall be 65%.

\*\* The maximum height of a church, school, or federal, state or municipal building shall be forty-five feet, exclusive of spires, steeples, and the like, which shall not be more than two-thirds the height of the building or structure on which they are located.



# **Sec. 29-16. Dimensional Table for Non-Residential Districts.**

**TABLE 3**  
**Schedule of Dimensional Requirements Within Non-Residential Districts**

<i>All items listed below are identified as to Maximum (Max.) or Minimum (Min.) for requirement imposed</i>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>I-1</b>	<b>I-2</b>	<b>I-3</b>
<b>Lot area per dwelling unit (Min. in sq. ft.)</b>	<b>1750</b>	<b>1750</b>	<b>750 (6)</b>	—	—	—
<b>Total</b>	—	—	—	—	—	—
<b>Lot frontage and width (Min. in feet)</b>	—	—	—	—	—	200
<b>Yards (Min. in feet)</b>						
• Front	(1)	(1)	—	30	30	30
• Side	(1)	(1)	—	25(2)	25(2)	25(2)
• Rear	(1)	(1)	—	25(2,3)	25(2,3)	25(2,3)
<b>Lot coverage (Max. in %)</b>						
• All buildings	(7)	(7)	(7)	50(7)	—	50(4, 7)
<b>Height of buildings (Max. in feet)</b>	<b>3</b>	<b>4</b>	<b>12</b>	<b>5</b>	—	<b>3(5)</b>
• Stories						
• Feet	45	60	140	75	—	45(5)
<b>On-site Parking</b>	<b>Table 4</b>	<b>Table 4</b>	<b>(8)</b>	<b>Table 4</b>	<b>Table 4</b>	<b>Table 4</b>
<b>On-site Loading</b>	<b>Table 5</b>	<b>Table 5</b>	<b>None</b>	<b>Table 5</b>	<b>Table 5</b>	<b>Table 5</b>

- (1) For any dwelling, all yards shall be a minimum of ten feet.
- (2) Fifty feet when abutting a residential district.
- (3) Through lot front yard requirements shall apply on both streets.
- (4) All buildings, structures, and storage areas.
- (5) Buildings and structures, unless otherwise provided in this ordinance.
- (6) For buildings or structures exceeding six stories, the lot area shall be 350 f.t. per dwelling unit.
- (7) Lot coverage for a dwelling shall not exceed 50% of the site.
- (8) Residential uses shall meet the requirements of Table 4.

**Sec. 29-17. Supplementary Dimensional Regulations.****(a) Location of accessory buildings.**

- (1) A community garage, where permitted, or a private garage or an accessory building, if a separate building not within or attached to the principal building, may be erected within a side or a rear yard area; provided, that it is located:
  - (i) At least five feet from the rear and side lot line.
  - (ii) At least twenty feet from each street line of a corner lot in any residential district.
  - (iii) At least five feet from an abutting alley line.
- (2) No solid fence, hedge or obstruction exceeding a height of three feet and within ten feet of a driveway may project into a front yard area for a distance of ten feet from the front lot line. A fence, hedge or enclosure wall shall not exceed a height of six feet.
- (3) In any business or industrial district, any accessory building or structure shall not be located in any required yard.

**(b) Existing undersized lots.**

In any district, where a lot for single or two family residential purposes has existed as a lot of record by plan or deed prior to the effective date of this ordinance or any amendment to this ordinance to which it does not comply, and such lot has been owned separately and has remained in separate ownership from any adjoining lot or lots since the time it no longer complied with this ordinance or any amendments to this ordinance, and such lot fails to meet the minimum area, width, yard or depth requirements of the district in which located, but has at least five thousand square feet of area and fifty feet of frontage, a building permit for a single or two family residential use shall be issued, where such use is permitted.

**(c) Access to improved street.**

In any district, the use proposed shall be so located on the lot so that the lot is accessible from an improved street to permit the passage of emergency vehicles as determined by the Fire and Police Departments.

**(d) Swimming pools.**

Swimming pools are a permissible use when such use is incidental to a permitted use, provided, that such pools shall conform to all front yard requirements and shall be at least five feet from rear and side lot lines.

**(e) Height.**

Unless otherwise regulated in this ordinance, in any district, a monument; shaft; spire; dome; tower for ornamental purposes; observation tower; water and wireless towers; flag and radio poles; stacks; grain elevators; cooling towers; stage towers; and scenery lofts shall not be permitted above the roofline of the building or structure on which it is located, except by special permit from the planning board subject to the provisions of Section 29-23 (pp). If a separate but accessory use, the above shall be allowed by special permit from the planning board subject to the provisions of Section 29-23 (pp).

(1) **Height restrictions on antennas and like structures.**

Radio, television, transmission antennas, and like structures for private or commercial radio or television transmission or reception to be erected on the roof of buildings shall not exceed twelve (12) feet in height and must comply with Section 29-23 (pp) of the zoning ordinance. Free-standing antennas and like structures located in residential neighborhoods shall not be higher than twenty (20) feet above ground level at its site or above any natural object or existing manmade structure. In any case, such structures shall only be installed in rear or side yards and they shall not be erected nearer to any rear or side lot line than at least the total height of the free-standing antenna or like structure. Furthermore, the said structures shall comply with Section 29-23 (pp) of the zoning ordinance and meet all required zoning district setbacks. Satellite antennas shall not exceed twelve (12) feet in height and diameter in residential districts. Satellite antennas as well as other antennas and like structures shall be installed and maintained in compliance with the applicable requirements of the Building Code, the National Electrical Code and the FCC where applicable. Any such structure exceeding twelve (12) feet or twenty (20) feet in height must receive a variance from the zoning board of appeals, and approval from the building inspector.

(f) **Setback from alley.**

On an interior lot, no dwelling or portion of that part of any building or structure which is used for residential purposes shall be closer than fifteen feet to the center line of any alley which adjoins such lot. Similarly, this provision shall apply to such building or structure when located at a corner of a street and alley or at the corner of two alleys in cases where the alley line is adjacent to the front or rear wall of such building.

(g) **Front yard.**

- (1) The minimum depth of a front yard as prescribed by the schedule of regulations and this Section shall apply to all lots except for such modifications applicable to a corner lot.
- (2) The minimum depth of a front yard in a business district shall be twenty feet, where at the time of application for a permit there are no buildings or structures fronting upon the side of the street in the block or portion of the block in which such business district is located. If, however, the majority of existing buildings or structures in the area under consideration have a front yard of more or less than the minimum required, then all new non-residential buildings or structures shall have the same front yard.
- (3) **Average front yard.** In a case where a lot is adjoined on each side by lots having building set-backs, in the front yards, less than that required by this ordinance, the lot in question may provide a front yard equal to the average depth of the adjoining front yards; provided, in no case shall the front yard be less than one-half that required.

**(h) Side yard.**

- (1) The minimum width of side yards as shown on the schedule of regulations shall apply to all lots, except for such modifications applicable to a corner lot.
- (2) In any business district, a building not used in whole or in part as the place of residence shall not require a side yard, except where the side line of the lot upon which the building is located is common to the side lot line in an adjoining residence district. In such case, a yard at least equal to the side yard required in such residence district shall be provided adjacent to the side line of the lot in the adjoining residence district.
- (3) In an industrial park district in an instance where a side lot line fronts on a street which abuts or is adjacent to a residential zone, such side yard shall not be less than fifty feet wide.

**(i) Rear yard.**

- (1) The minimum depth of a rear yard as prescribed by the schedule of regulations and this Section shall apply to all lots, except for such modifications applicable to a corner lot.
- (2) In measuring the depth of rear yards, in cases where the rear lot line is not parallel with the street line, average dimensions may be used.
- (3) In any business district, a building or structure not used as a place of residence shall not require a rear yard, except where the rear line of the lot upon which such building or structure is located abuts a residential district, in which case a ten foot rear yard shall be provided.
- (4) In the case of a through lot in any district, the front yard requirements shall govern on both streets.

**(j) Yards for corner lots.**

- (1) For a corner lot in an R-1, R-1A, R-2, or R-2A residential district or in a B-1 district, in cases where there are lots fronting upon the side street in the same block, the minimum depth of the yard adjoining either street line shall be the depth of the yard required for the adjoining interior lot along the same street, except nothing in this provision shall be so interpreted as to reduce the buildable width of such corner lot to less than sixty-five percent of its width.
- (2) For a corner lot, including a lot at the corner of a street and alley, or a lot at the corner of two alleys, in cases where such lot is located in an R-4 district or in a B-1 district, if there are no lots fronting upon the side street in the same block, or in any other business district, or in an I-2 district, the requirements for a yard (front, side or rear) adjacent to the side street line or for a side yard adjacent to the alley line may be waived. In the above case, a yard (front yard) adjacent to the front street line and a yard (side yard) adjacent to the side line of the adjoining lot shall be provided if and as required by the provisions of this Chapter.
- (3) For a corner lot, in an industrial park district, where there are lots fronting upon the side street in the same block, the minimum depth of the yard adjoining either street line shall be the depth of the front yard required for the adjoining interior lot along the same street.

**(k) Other yard requirements.**

- (1) No yard or open space provided about any building or structure for the purpose of complying with this ordinance shall be considered as a yard or other open space for another building or structure.
- (2) The following building features may project into any required yard, provided such projection shall not be closer to any side lot line than five feet, nor any front or rear yard line than fifteen feet: exterior vestibules, porches, chimneys, unroofed terraces, bay windows, open fire escapes, cornices, eaves and other architectural features.
- (3) In any business district, yards shall be provided on a lot upon which a dwelling or upon which a building or structure that includes tenements or residential accommodations (not including a hotel or motel) is to be located, unless at least one window in each room of such dwelling or in each room of a tenement or residential accommodations of such building or structure opens directly upon a street or alley.
- (4) Such yards shall be so arranged that at least one window in each room of such dwelling or in each room of a tenement or residential accommodation of such building or structure shall open directly upon a street or alley or directly upon a yard.
- (5) The requirement for yards may be waived for a bathroom and the window space in such bathroom may open upon a light well; provided, that the area of such light well shall not be less than twelve square feet for the first story of height of such light well. For each additional story, the area shall be increased by six square feet.

**(l) Area and lot size.**

In determining the area of an interior lot which abuts upon an alley, one-half the area of the abutting alley may be credited as part of the area of such lot.

**(m) Accessway in industrial district.**

No passageway, accessway, or alleyway shall be permitted within fifty feet of any intersection in an industrial park district.

**(n) Highway Access District.**

Business uses in the HA District shall comply with the dimensional requirements set forth in Table 3 for the B-1 District, and residential uses in the HA District shall comply with the dimensional requirements set forth in Table 2 for the R-4 District. [amended 4/15/97]

REVISED  
3-17-98

**Sec. 29-18. Parking Regulations.**

REVISED  
5-1-01

- (a) **Objectives.** Any use of land involving the arrival, departure, or storage of motor vehicles, and all buildings, structures and uses requiring the delivery or shipment of goods as part of their function, shall be designed and operated to:

- (1) Promote traffic safety by ensuring adequate places for storing of motor vehicles off the street, and for their orderly access and egress to and from the public street;
- (2) Increase the traffic-carrying capacity of streets and highways in the city and obtain a more efficient utilization of on-street curbside parking;
- (3) Reduce hazards to pedestrians upon public sidewalks; and

- (4) Protect adjoining lots and the general public from nuisances and hazards such as:
- i) Noise, glare of headlights, dust and fumes, resulting from the operation of motor vehicles.
  - ii) Glare and heat from parking lots.
  - iii) A lack of visual relief from expanses of paving.
  - iv) Accelerated run-off of surface water from land covered by impervious materials.

## (b) Minimum Standards.

**TABLE 4**  
**Off-Street Parking Requirements**  
**Minimum Required Off-Street Parking Spaces**

Accessory Structure to Agriculture, Horticulture, Floriculture, or Viticulture	Ten parking spaces.
Adult uses [ <i>amended 12/7/93</i> ]	one space for each 200 sq.ft. of gross floor area. [ <i>amended 12/7/93</i> ]
Assembly/Function Hall	One space for each four seats.
Athletic Field	Twenty parking spaces for each diamond. Five spaces per basketball court. One space for each 500 square feet of field or other fields.
Automobile Sales, New	Adequate parking spaces for vehicles sold plus additional parking as required under commercial or retail uses.
Billiard or Pool Parlor	One parking space per billiard or pool table.
Bowling Center	Three parking spaces per lane, plus one space for each three employees.
Church/Synagogue/or other Place of Worship	One space per four seats.
Clubs/Lodges	One parking space per 300 square feet of gross floor space.
Commercial or Retail Uses not otherwise listed	Three parking spaces per 1,000 square feet of gross floor space.
Conference Center	Parking shall be the aggregate of the uses comprising said structure.
Convenience Stores	One parking space per 200 square feet of gross floor area.
Elderly Housing/Assisted Living	1 space/unit.
General Office Building or Office Use	Three parking spaces per 1,000 square feet of gross floor area.
Group Home	One parking space for each bed.
Home Occupations	One parking space for each two employees.
Hospital	One parking space for each two beds and one parking space for each three employees.
Hotel/Motel	One parking space per sleeping room, plus one space per each three employees.

Industrial Park District and Industrial Uses not otherwise listed	One space for each 550 sq. ft. of gross floor area, but in no event less than one such space for each three employees on the largest shift for any building situated within an industrial park district.
Library	One parking space per 1,000 square feet of gross floor area.
Medical/Dental Office/Clinic	Four parking spaces per 1,000 square feet of gross floor area.
Mixed Use	On-site parking shall be the aggregate of the uses comprising said structure.
Museum	Parking shall be determined by the special permit granting authority
Planned Unit Development	On-site parking spaces shall be the aggregate of the uses comprising the PUD.
Public Transit Passenger Station	Parking to be determined by Public Authority establishing such station.
Research and Development facility, research laboratory or research facilities for scientific or medical research	One space for each 550 s.f. of gross floor area, but in no event less than one such space for each three employees on the largest shift. <i>[amended 6/6/95]</i>
Recreational Use	One parking space for 300 square feet of building structure and one parking space per 500 square feet of outside area.
Residential Use	One parking space per studio apartment or one bedroom apartment. Two parking spaces per other dwelling unit. One parking space per unit in elderly housing or public housing facility.
Restaurants, Bars and Cafes	One parking space per four seats. Take-out restaurants shall have one parking space for each 300 square feet of gross floor area. Restaurants with drive-thru facilities shall follow the same parking requirements plus the requirements of Section 29-23 (rr).
Rest Home, Nursing Home/Hospice, Sanitarium	One parking space per four beds and one for each three employees.
Rooming House, Boarding House, Lodging House, Guest House, Dormitory, Fraternity or Sorority House	One space for each room.



School, Colleges	<p>One parking space for every three employees, plus bus and car drop-off parking area.</p> <p>Four per classroom in a senior high school. One for every three employees.</p> <p>One space for each four seats in a college or university. One for every three employees.</p> <p>Plus one parking space for every four seats of the total seating capacity of the auditorium or gymnasium, whichever has the largest capacity.</p>
Shared Parking	May be allowed by special permit by the planning board for either a PUD or Mixed Uses or by the zoning board of appeals for a Conference Center if the petitioner can demonstrate that the mix of uses have different peak hours or days of demands.
Shopping Center	One space per 300 square feet of gross floor area.
Stadium	One parking space for each four seats.
Theatres	One parking space per each five seats.
Undertaking Establishment	Fifteen parking spaces per parlor.

(c) **Exceptions.**

- (1) **Parking Management Plans.** Where one of the below Parking Management Programs is adopted and followed, parking requirements for particular uses may be less than those provided under Table 4.
  - (i) *Parking Management Program "A":*  
Designate close-in reserved parking for carpools of two or more persons, provide ride-sharing match-up bulletin board and postings of public transit schedules, conduct annual ride-sharing promotion in cooperation with Caravan, the state ride-sharing agency, appoint a transportation coordinator, provide annual activity report.
  - (ii) *Parking Management Program "B":*  
All of Parking Management Program "A", plus subsidizing monthly public transit or vanpool passes for employees at \$15.00 per month or providing employee shuttle bus service.
- (2) **Decreased parking requirements from minimum requirements of Table 4.**
  - (i) *Industrial Uses not otherwise listed:*  
With Parking Management Program "A" one space per 600 square feet. With Parking Management Program "B", one space per 650 square feet.
  - (ii) *Office Buildings:*  
With Parking Management Program "A", one parking space per 325 square feet. With Parking Management Program "B," one space per 350 square feet.

- (3) Exceptions in the B-1, B-2, and B-3 districts if such a program is available. Off-street parking requirements will not apply to the following uses, if stated conditions are met:

- (i) *Retail stores, restaurants (bars not included), assembly/function halls and theaters:*  
No parking requirement, provided presentation of a long term agreement for a parking validation program with a parking facility in the B-1, B-2 or B-3 district.
- (ii) *Residential:*  
One space per one or two bedroom dwelling unit in rehabilitation projects. Parking requirement may be met by presentation of a long term lease with a parking facility in the B-3 district for overnight tenant parking, as long as such facility is within 1,500 feet of the residential unit. All new construction and all rehabilitation projects with more than two bedrooms shall require two on-site parking spaces per dwelling unit.
- (iii) *Office buildings:*  
No parking requirement provided conditions of Parking Management Program "B" are met or presentation of a long term agreement for a parking validation or a leased space program with a parking facility within reasonable walking distance.
- (iv) *Federal, State, and Municipal uses:*  
No parking requirement provided presentation of a long term agreement for a parking validation or a leased space program with a parking facility within reasonable walking distance.
- (v) *Colleges/Universities:*  
No parking requirement provided presentation of a long-term agreement for a parking validation or a leased space program with a parking facility within reasonable walking distance.

(d) **Dimensional requirements.**

- (1) *Within a garage or parking facility:*  
Any space within a garage or a parking facility shall be a minimum width of eight feet with a minimum depth of sixteen feet.
- (2) *Compact car spaces:*  
Within a parking garage or parking facility with parking spaces in excess of twenty spaces, one-third of the spaces may be designated and signed for compact car spaces which shall be a minimum width of seven and one-half feet with a minimum depth of fifteen feet.
- (3) *Minimum aisle:*  
Within a parking garage or parking facility, the minimum aisle width shall be twenty feet.

(e) **Screening and landscaping.**

- (1) In all residential districts, or on a lot in any other district which abuts or faces a lot in a residential district, any outdoor parking facility containing five or more parking spaces, all loading bays, maneuvering aisles and driveways shall be screened in accordance with subparagraph (3) in a manner to protect abutting lots from the glare of headlights, noise and other nuisance factors.
- (2) Any parking facility which is a principal use or is within any residential district shall be screened along driveways and around the entire perimeter of the parking lot.
- (3) Where screening is required, it shall consist of:
  - (i) A strip of land at least two feet wide, [amended 7/16/96] densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type that may be expected to form a year-round dense screen at least six feet high within three years, or
  - (ii) A wall, barrier, or fence of uniform appearance at least five feet high, above finished grade. Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

Such screening shall be maintained in good condition at all times. Such screening or barrier may be interrupted by entrances or exits, and shall have no signs attached thereto other than those permitted in the district.

- (4) The entrance to driveways, to the extent practicable, shall be located on the side near non-residential districts or on streets or highways leading to non-residential areas.
- (5) Any parking facility which is a principal use or is within any residential district shall have setbacks as provided below:

**Setbacks of parking spaces and maneuvering aisles (distance in feet)**

<i>District</i>	<i>Residential District Line</i>	<i>Street or Front Lot Line</i>	<i>Buffer Along Side Lot Line</i>
OSR	15	20	2
R-1, R-1A, R-2, R-2A	N/A	5 (1)*	2
R-3, R-4	N/A	2*	2
B-1, B-2, B-3	25	10	2
I-1, I-2, I-3	25	10	2

(1) The width of parking is limited to the paved area required to park two (2) cars abreast or a maximum of twenty four (24) feet.

\*[amended 7/16/96]

- (6) All artificial lighting used to illuminate any parking space, loading bay, maneuvering space or driveway shall be so arranged that all direct rays from such lighting fall entirely within the parking or loading area and shall be shielded so as not to shine upon abutting properties or streets. The level of illumination of lighting for parking and loading areas shall be low so as to reduce the glow of ambient lighting perceptible at nearby properties or streets.
  - (7) No parking of any vehicle shall be permitted in front of any residential structure, with the exception that parking shall be allowed in the front of a garage if the garage is an accessory use to the primary structure.
- (f) **Curb Cuts.**
- (1) No access drives or driveways shall be located in any residential district to provide access to uses other than those provided for in such residential district.
  - (2) No curb cut shall exceed twenty-six feet. The property owner will be responsible for the removal and disposal of the curbing.
  - (3) No portion of any driveway entrance and/or exit shall be within thirty feet of a corner curb line of an intersecting street. No portion of any driveway entrance and/or exit shall be within five feet of a fire hydrant, catch basin, utility pole, traffic signal or the like.
  - (4) All access drives shall be constructed with grades as prescribed by the Department of Public Works.
  - (5) All access drives shall be a minimum of eight feet wide.
  - (6) No existing curb cut may be altered and no new curb cut may be constructed without the written approval of the City of Lawrence Department of Public Works.

(g) **Spaces for handicapped persons.**

Specially designated parking spaces for the physically handicapped shall be provided, as follows:

<u>Total Number of Spaces</u>	<u>Spaces for Handicapped</u>
10 - 25	1 space
26 - 40 than 2	5% of the total spaces but not less
41 - 100 than 3	4% of the total spaces but not less
101 - 200 than 4	3% of the total spaces but not less
201 - 500 than 6	2% of the total spaces but not less
501 - 1,000 than 10	1.5% of the total spaces but not less
1,001 - 2,000 less than 20	0.75% of the total spaces but not

Spaces for the handicapped shall be clearly identified by a sign indicating those spaces that are reserved for physically handicapped persons. Such spaces shall be located in that portion of the parking lot nearest to the entrances to the use or structure which the parking lot serves.

# **Sec. 29-19. Loading and Unloading Regulations Table.**

**TABLE 5**  
**Off-Street Loading and Unloading Requirements**

- (a) It is the intention of this ordinance that all buildings, structures and uses requiring the delivery of goods as part of their function be provided eventually with necessary space for off-street loading. No application for a permit for the erection of a new building or structure or the development of a land use shall be approved, unless it includes a plan for off-street loading facilities required by this ordinance. Buildings, structures and land uses in existence on the effective date of this chapter are not subject to the off-street loading requirements hereof, but any off-street loading facilities thereafter established to serve such buildings, structures, or uses may not in the future be reduced below these requirements.

District	Square feet of Total Floor Area	Required Number of Off-Street Loading Berths
B-1, B-2, B-3	From 6,000-20,000	1
	For each additional 20,000 sq. ft. or major fraction thereof	1 additional

- (b) I-1 district: Within an Industrial Park District adequate off-street loading spaces shall be provided on the premises in side or rear yard areas. The front line of a lot in such a district abutting on two or more streets shall be that front line as shall be designated in the application for a building permit. Such designation shall be so noted in the certificate of occupancy as issued by the building inspector.
- (c) I-2 and I-3 districts: Within a General or Limited Industrial District adequate off-street loading spaces shall be provided on the premises and such spaces shall be arranged so that loading and unloading activities will not interfere with the normal flow of traffic on public ways.
- (d) Off-street loading space for one truck shall have a minimum horizontal width of ten feet; minimum horizontal depth of 35 feet, and minimum overhead clearance of 14 feet.
- (e) Business uses in the HA District shall comply with the off-street loading requirements set forth in Table 5. *[amended 4/15/97]*

**Sec. 29-19 (A) Planned Industrial Overlay District. \*[amended 7/16/96]****(1) Statement of Purpose.**

The purpose of the Planned Industrial Overlay District is to control and design the development, renovation and redevelopment of Planned Industrial Developments. For the purposes of this ordinance, the term Planned Industrial Development shall mean a parcel or parcels of land of not less than ten (10) acres within the PIO District, consisting of one or more lots (whether or not contiguous to each other) on which is located or proposed to be located one or more buildings, which may include either connected buildings or free standing buildings, containing a total of not less than five hundred (500,000) square feet of gross floor area, under common or separate ownership, which buildings are used for industrial and manufacturing purposes with storage, office, and retail and service uses accessory thereto, all under integrated management, and with respect to which the owner or owners of all such lots file with the City Clerk and the Planning Board an instrument in which all such owners agree that all such lots shall be subject to the provisions of this Ordinance applicable to a Planned Industrial Development. After establishment of a planned Industrial Development, additional lots may be added to an establishment of a Planned Industrial Development by such filing with the City Clerk and the Planning Board, so long as such additional lots are located within the PIO District.

The PIO District permits the development of a Planned Industrial Development subject to specific regulations in this Section and regulations in other sections that are not inconsistent with the provisions of this Section.

**(2) Planned Industrial Overlay District Boundaries**

(a) The boundary of the PIO District is shown on the Zoning Map, which map is hereby incorporated and made a part of this Ordinance.

(b) The PIO District overlays a portion of other Districts so that the land lying in the PIO District shall also lie in such other Districts in which it is otherwise classified by this ordinance.

**(3) Existing Regulations**

(a) The regulations of this section shall apply only to a Planned Industrial Development, and not to any other use that is allowed or permitted in the underlying zoning district.

(b) Except for the provisions of this Section 29-19 (A), the provisions of Article V of this Ordinance, Dimensional and Parking Regulations, which are applicable to the underlying zoning district shall not apply with the PIO District, but shall be entirely superseded by the provisions of this Section. To the extent that the provisions of this Section are in conflict with or are inconsistent with any other provisions of the Ordinance, the provisions of this Section shall govern and prevail with respect to a Planned Industrial Development.

**(4) Development Regulations**

(a) A Planned Industrial Development may consist of more than a single building lot, and in such event the requirements of this Ordinance shall not be applied to individual lots, but shall be applied to the lots within the Planned Industrial Development as if such

lots were a single lot notwithstanding the fact that the lots within the Planned Industrial Development may be in different ownership. More than one building may be located on a single lot within the Planned Industrial Development.

(b) In the case of a Planned Industrial Development in the City of Lawrence which is under integrated management with abutting land in an adjacent municipality or municipalities, the land in the adjacent municipality or municipalities shall be included for purposes of determining compliance of the Planned Industrial Development in the City of Lawrence with the provisions of this Ordinance.

(c) The Planned Industrial Development may be developed in phases and may be developed and occupied under one or more building permits, occupancy permits and site plan approvals.

(d) The following dimensional controls and parking and loading regulations shall govern a Planned Industrial Development.

**Minimum Yard Setback:**

Front 0 feet

Side and Rear 0 feet

Minimum Number of Off-Street Parking Spaces 1 space per 2,000 s.f. <sup>1</sup>

Minimum Number of Loading Bays Adequate

<sup>1</sup> Square feet of gross floor area defined as follows: the sum of the areas of horizontal section through each story of all parts of the building measured from the outer faces of the walls, excluding basement areas of whose interior height more than half is below finished grade, and excluding enclosed garages.

(e) Construction, including parking facilities, within the Planned Industrial Development shall be subject to Site plan Approval by the Planning Board according to, and to the extent required by Article VIII of this Ordinance prior to the applying for building permits on such project.

(f) Signage in a Planned Industrial Development shall be governed by the provisions of Article VI of this Ordinance with respect to signs in industrial districts, regardless of the underlying zoning district in which all of any portion of such Planned Industrial Development is located.

**REVISED**  
**10-7-03**



## ARTICLE VI SIGNS

### Sec. 29-20. Sign Regulations.

REVISED  
7-6-99

#### (a) Definition of sign types.

##### (1) Area of Sign

The area of a sign is the area within a single rectangle enclosing the extreme limits of lettering, decorative structure, logos, representations, or coloring forming an integral part of the sign. Where individual letters, symbols, messages or designs are attached to, or painted on, a building face or window, the area shall be the smallest imaginary rectangle which encompasses and fully contains the extremities of all copy and graphics. The area of a sign which is three dimensional and not attached to a building, shall be the area of the smallest imaginary rectangle which wholly contains the sign. Only one side shall be included in computing the area except where they are an integral part of the design.

##### (2) Architectural Sign

An architectural sign is an integral decorative or architectural feature of a building which may include letters or numbers relating to the building.

##### (3) Artisan's Sign

An artisan's sign is a sign of a mechanic, painter, or other artisan performing work on premises.

##### (4) Awning or Canopy Sign

An awning or canopy sign is signage affixed to an awning or canopy.

##### (5) Awning

An awning is any temporary or retractable covering or shelter which is supported entirely from the exterior wall of a building.

##### (6) Canopy

A canopy is a permanent overhanging shelter that projects from a side of a building, and is supported only partially by the building.

##### (7) Development Sign

A development sign advertises the sale or development of property by a builder, contractor, developer, or other person or agent interested in such sale or development.

##### (8) Directory Sign

A directory sign is a sign listing the occupants of a building and the street address or room number of the occupant. The name and address of the building may also be included.

##### (9) Free-standing Sign

A free-standing sign is a sign directly or indirectly connected to the ground and not attached to any buildings or other structure.

(10) **Identification Sign**

An identification sign is a sign indicating the address, and name, if desired, of the occupant or occupants, or indicating a home occupation.

(11) **Institutional Sign**

An institutional sign is a sign for a school, hospital or place of worship.

(12) **Interior Illuminated Sign**

Any type of sign with a lighting source located in the interior of the face of the sign.

(13) **Off-premise Sign**

An off-premise sign is a sign which advertises or announces a use conducted or goods that are available elsewhere than within the building, structure or lot on which the sign is located. A political sign shall not constitute an off-premise sign.

(14) **Painted Wall Sign**

A painted wall sign is a sign painted directly on a side of a building and in the tradition of signs placed on 19th and early 20th century business and industrial buildings.

(15) **Parking Sign**

A parking sign is a sign directing traffic into parking facilities and garages and regulating the use of parking facilities and garages.

(16) **Political Sign**

A political sign is a sign which refers only to the issues or candidates involved in a political election.

(17) **Private Driveway Sign**

A private driveway sign indicates the private nature of a driveway or prohibits trespassing.

(18) **Projecting Sign**

A projecting sign is a sign which is attached at right angles to a building.

(19) **Roof Sign**

A roof sign is a sign which is erected, constructed, or maintained above the roof or parapet line of a building.

(20) **Sales or Rental Sign**

A sales or rental sign is a temporary sign advertising the sale or rental of the premises or motor vehicle upon which they are located.

(21) **Temporary Sign**

A temporary sign is a sign, including its supporting structure, which is maintained for a continuous period of not more than 30 days.

(22) **Wall or Surface Mounted Sign**

A wall sign is a sign which is mounted flush to a wall, or a sign which is painted upon, or applied to, a building.

(23) **Window Sign**

A window sign is a sign painted or posted on, or placed within 12 inches of an interior translucent surface, including windows and doors.

**(b) Prohibited Signs.**

The following types of signs are prohibited:

- (1) Off-premise signs
- (2) Roof signs
- (3) Signs with flashing or moving lights, or flashing or moving parts, except those signs which indicate time or temperature.
- (4) Signs painted on a motor vehicle, except as otherwise permitted herein.
- (5) Signs on vacant lots, except sale or rental signs.

**(c) Permitted Signs.****(1) Residential Districts**

The types of signs listed below shall be permitted by right, and be subject to the requirements of Section 29-20 (d) and (e), but no other signs or posters are permitted.

- (i) Artisans' signs
- (ii) Development signs
- (iii) Identification signs
- (iv) Institutional signs
- (v) Political signs
- (vi) Private driveway signs
- (vii) Sales or rental signs
- (viii) Temporary signs

A parking sign shall be permitted by special permit from the planning board subject to the requirements listed under subsections (d), (e), (f), (g) and (h) of this Section.

**(2) Business Districts**

All signs permitted by right in residential districts shall be permitted in a business district subject to the requirements of Section 29-20 (d) and (e). The following signs shall also be permitted by right subject to the requirements of Section 29-20 (d) and (e).

- (i) Directory signs
- (ii) Wall or surface mounted signs
- (iii) Painted wall signs
- (iv) Architectural signs
- (v) Window signs
- (vi) Awning or canopy signs

The types of signs listed below shall be permitted by special permit from the planning board subject to the requirements listed under subsections (d), (e), (f), (g) and (h) of this Section.

- (vii) Free-standing signs (excluded in B-1 districts)
- (viii) Projecting signs
- (ix) Parking signs
- (x) Interior illuminated signs

(3) **Industrial Districts**

All signs permitted by right in business districts shall be permitted by right in industrial districts subject to the requirements of Section 29-20 (d) and (e).

The types of signs listed below shall be permitted by special permit from the planning board subject to the requirements listed under subsections (d), (e), (f), (g) and (h) of this Section.

- (i) Projecting signs
- (ii) Free-standing signs
- (iii) Interior illuminated signs

(4) **Highway Access Districts** [amended 4/15/97]

All signs permitted by right in business districts shall be permitted by right in the Highway Access District subject to the requirements of subsections 29-20(d) and (e).

All signs permitted by special permit in business districts shall be permitted in the Highway Access District with a special permit from the planning board subject to the requirements listed under subsections 29-20(d)m (e), (f), (g) and (h):

(d) **General Requirements.**

The following requirements shall be complied with for all signs, and/or awning/canopy signs permitted by right or by special permit. Any derogation from these requirements requires a special permit by the planning board.

- (1) Signs, and/or awning/canopy signs shall fit within and complement the storefront frame.
- (2) Any cantilevered sign shall be cantilevered at a distance from the building or structure on which it is placed consistent with other cantilevered signs on said building or structure or abutting buildings or structures.
- (3) Any cantilever is of a color compatible to the building or structure on which it is placed.
- (4) The sign does not obstruct important views or visual access to other signs.
- (5) The sign does not obscure visual architectural themes which are characteristic in the area or of the building or structure on which it is placed.
- (6) The sign is mounted at a height consistent with other signs on the building or structures nearby.
- (7) The sign identifies only the business or industry and the name of its services or products of the building or structure on which it is placed. Signs for different

businesses within the same building and having a common doorway shall be of similar style and design.

- (8) There are no more than two signs per structure or lot if more than one structure occupies a lot.
  - (9) Businesses and/or industries may not use more than twenty-five percent (25%) of each of their signs for display of any logo and/or registered trademark other than their own.
  - (10) Neither the sign nor any part thereof shall be more than fifteen feet above ground level except architectural signs.
  - (11) Colors shall be limited for any given sign to no more than three colors and shall be compatible with the building and/or awning colors.
  - (12) The graphic message of the sign shall be simple and clear – minimum wording will increase legibility.
  - (13) Different types of lettering shall be limited to no more than two lettering styles for legibility. Lettering on glass shall not cover more than 25% of the window surface.
  - (14) No blinking signs or flashing signs will be allowed.
  - (15) Electric wiring must be concealed.
- (e) **By Right Requirements.**  
The following requirements shall be complied with for each type of sign listed below, prior to the issuance of a building permit.
- (1) **Architectural Signs**
    - (i) The total area does not exceed the lesser of two square feet per linear foot of the building frontage or sixty square feet.
    - (ii) A building on a corner lot or through lot has no more than two signs.
  - (2) **Artisans' Signs**
    - (i) The size of any such sign shall not exceed twelve square feet.
    - (ii) Such sign shall be removed promptly upon completion of the work.
  - (3) **Awning or Canopy Signs**
    - (i) Graphics are only on the valance area of the awning or canopy.
    - (ii) Only one sign is located on a lot.
  - (4) **Development Signs**
    - (i) The size of any sign shall not exceed fifteen square feet.
    - (ii) Not more than one sign shall be placed upon any property, unless such property fronts upon more than one street, in which event one such sign may be erected on each frontage.
    - (iii) Any such sign shall be removed within thirty days of the conveyance of property or the issuance of a certificate of occupancy, whichever is the lesser.

**(5) Directory Signs**

- (i) Such sign shall not be larger than sixteen square feet in area.
- (ii) Only one sign shall be permitted per building or structure, except in the case of a corner lot where two such signs (one facing each street) shall be permitted for each building or structure.

**(6) Identification Signs**

- (i) Such sign shall not be larger than one square foot in area. Only one such sign per dwelling unit, occupant, or tenant is permitted except in the case of corner lots where two such signs (one facing each street) shall be permitted for each dwelling unit.
- (ii) For multiple-family dwellings, a single identification sign shall be permitted not exceeding six square feet, and shall be attached to a security system or entry access area. Only one sign shall be permitted per building, except if a building has an active second entrance located on a street or parking area, in which case one additional sign may be permitted at such second entrance, not to exceed three square feet.
- (iii) All new buildings shall have one identification sign which contains the street number. No occupancy permit shall be issued unless such sign exists.

**(7) Institutional Signs**

- (i) The size of any such sign shall not exceed twenty square feet.
- (ii) Not more than one such sign shall be placed on a property, unless such property fronts upon more than one street, in which event two such signs may be erected, one on each frontage.

**(8) Painted Wall Signs**

- (i) The sign is located along the frieze or in such other logical horizontal zone of the building.
- (ii) The total area on the principal facade does not exceed the lesser of two feet per linear foot of building frontage or forty square feet in a business district, or the lesser of two feet per linear foot of building frontage or one hundred square feet in an industrial district.
- (iii) Only one additional sign is located on any building, including a building on a corner or through lot, and such sign area does not exceed the lesser of one foot per linear foot of secondary building frontage or twenty square feet in a business district or two feet per linear foot of secondary building frontage or fifty square feet in an industrial district.
- (iv) In a business district the sign width does not exceed the lesser of thirty inches or seventy percent of the frieze width and lettering height does not exceed the lesser of twenty inches or seventy percent of the frieze width.
- (v) In an industrial district, the sign and lettering are contained within eighty percent of the frieze or horizontal zone.

**(9) Political Signs**

- (i) Such sign is permitted inside of windows of residences and business establishments open to the public when such premises are occupied by the owner or tenant.
- (ii) No such sign is permitted in or upon vacant premises; vacant dwelling units; in or upon trees, utility poles and unregistered vehicles; and on the outside of buildings or other structures.
- (iii) All such signs shall be removed within thirty days following the election. A winning election candidate in a primary election may maintain his or her sign until thirty days following the general election.
- (iv) The size of any such sign shall not exceed six square feet.
- (v) Not more than one sign shall be placed upon any premises unless such premises fronts upon more than one street, in which event, two signs may be erected, one on each frontage.
- (vi) Headquarters signs for a political candidate shall not be considered a political sign.

**(10) Private Driveway Signs**

- (i) The size of any such sign shall not exceed two square feet.
- (ii) Not more than one sign shall be placed upon any premises unless such premises fronts upon more than one street, in which event, two signs may be erected, one on each frontage.

**(11) Sales or Rental Signs**

- (i) The size of any such sign shall not exceed six square feet in area in a residential district and thirty-two square feet in a business or industrial district, and shall only advertise the premises on which it is located.
- (ii) Not more than one sign shall be placed upon any property unless such property fronts upon more than one street, in which event two signs may be erected, one on each frontage.
- (iii) Such sign shall be removed promptly when premises are sold or rented.
- (iv) In the case of a motor vehicle, only one motor vehicle and one sign shall be permitted on a lot, and such sign shall not exceed 3 square feet, shall be placed inside the front windshield of the motor vehicle, and such motor vehicle shall be properly parked.
- (v) In the case of a duly licensed business for the sale of motor vehicles, one sign per motor vehicle may be painted on the front windshield.

**(12) Temporary Signs**

- (i) One sign advertising the construction company working on a site is permitted on the job site with an area not to exceed thirty-two square feet. Such sign shall be removed prior to obtaining an occupancy permit.
- (ii) Yard and garage sale signs, and other promotional signs are permitted, provided there is only one sign per lot not exceeding six square feet in area. Such sign shall not be erected sooner than three days before the event advertised and shall be removed no later than two days following the event advertised.

- (iii) Event signs announcing temporary parking, fund drives or civic events are permitted on the site of the event, provided there is only one sign per site not exceeding thirty-two square feet in area. Such signs shall not be erected sooner than fourteen days before the event advertised, and shall be removed no later than two days following the event advertised.

**(13) Wall or Surface Mounted Signs**

- (i) The sign is located along the frieze or in such other logical horizontal zone of the building.
- (ii) The total area on the principal facade does not exceed the lesser of two feet per linear foot of building frontage or forty square feet in a business district, or the lesser of two feet per linear foot of building frontage or one hundred square feet in an industrial district.
- (iii) Only one additional sign is located on any building, including a building on a corner or through lot, and such sign area does not exceed the lesser of one foot per linear foot of secondary building frontage or twenty square feet in a business district or two feet per linear foot of secondary building frontage or fifty square feet in an industrial district.
- (iv) In a business district the sign width does not exceed the lesser of thirty inches or seventy percent of the frieze width and lettering height does not exceed the lesser of twenty inches or seventy percent of the frieze width.
- (v) In an industrial district, the sign and lettering are contained within eighty percent of the frieze or horizontal zone.

**(14) Window Signs**

- (i) The sign or signs do not cover more than twenty-five percent of the area of window in which it or they appear.
- (ii) No more than one sign shall be placed in any one window.

**(f) Special Permit Findings – In general.**

The special permit granting authority may issue a special permit for any sign as provided for in the zoning district upon finding:

- (1) The sign is in harmony with the general purpose and intent of the ordinance.
- (2) The color and lettering types of the sign are compatible with the color scheme of the building or structure on which it is placed.
- (3) The configuration, location, and design of the sign is compatible with the architectural components of the building or structure on which it is placed.
- (4) The sign is placed on the building or structure in a manner which respects the basic design of such building or structure and which relates to the location and position of nearby signs.
- (5) Compliance to Section 29-20 (d) and (g).



(g) **Special Permit Findings – Per Use.**

In addition to the findings noted above in subsection (f), the special permit granting authority shall make the following findings for each type of sign listed below.

(1) **Interior Illuminated Signs**

- (i) The color and lettering type of the sign is compatible with the color scheme of the building or structure on which it is placed.
- (ii) The configuration, location and design of the sign is compatible with the architectural components of the building or structure on which it is placed.
- (iii) The sign is placed on the building or structure in a manner which respects the basic design of such building or structure and which relates to the location and position of nearby signs.
- (iv) Said sign shall conform to the special permit findings as to type of sign.
- (v) Said sign does not cause undue glare to the neighborhood.

(2) **Free-standing Signs (excluded in B-1 Districts)**

- (i) All components of the sign and structure are at least three feet from any property line.
- (ii) Only one sign is located on a lot.
- (iii) The sign is located so as not to obstruct views from or onto other properties or views of a driver of oncoming, intersecting, or merging traffic.
- (iv) The maximum area of the sign face is forty square feet in a business district and sixty square feet in an industrial district, measured on one side.
- (v) The maximum height of the sign above any ground surface is fifteen feet.
- (vi) The length or width of the sign shall not exceed fifteen feet.
- (vii) Not located in a historical district or on a downtown shopping street.

(3) **Parking Signs**

- (i) The sign, if designating an entrance or exit, does not exceed two square feet.
- (ii) The sign, if designating the owner or use of property does not exceed nine square feet.
- (iii) No more than one sign is provided, unless on a corner lot, in which case no more than two signs are provided, with one sign facing each street.

(4) **Projecting Signs**

- (i) The sign is located in a zone along the frieze or in such other logical horizontal zone of the building.
- (ii) If a wall or surface mounted sign is used in conjunction with a projecting sign, the two signs are located in the same horizontal zone of the building.
- (iii) No more than one projecting sign is located on a building.
- (iv) The sign is located twice the projecting length from the end of the building, unless located at a corner of the building on a street intersection.
- (v) The maximum area of any one sign does not exceed twelve (12) square feet.

- (vi) The sign does not project more than six (6) feet from the wall surface.
- (vii) The minimum height above any walking surface is eight (8) feet, unless the frieze or logical horizontal zone is higher.
- (viii) A projecting sign shall not extend beyond a vertical plane two (2) feet inside a curb line.

(h) **Lighting.**

(1) **Neon Signs**

Neon lit signs are permitted for all sign types by special permit of the planning board. Said board shall consider the visual compatibility of the sign with the building's materials and with nearby architecture and signage.

(2) **Illumination**

All signs may be illuminated by white light of a reasonable intensity so as not to cause glare, but so as to provide sufficient light for viewing of a sign in the dark. Projected lighting is preferred.

(3) **Shielding**

All lights shall be shielded in a manner which prevents glare and spillover onto adjacent properties, sidewalks, and public ways.

(4) **Removal**

All signs and all components thereof shall be removed from a site upon the close of business.

REVISED  
4-20-99

## ARTICLE VII SUPPLEMENTAL REGULATIONS FOR PERMITTED AND SPECIAL PERMIT USES

### **Sec. 29-21. In General.**

These regulations either apply to uses permitted by right but subject to reasonable dimensional regulations or to uses permitted by special permit. The regulations pertaining to special permit uses shall be considered findings which the special permit granting authority must find with reasons therefor prior to issuance of a special permit for such a use.

### **Sec. 29-21 (A). Special Permit Findings.**

The following findings shall be made by the special permit granting authority, in addition to the specific findings per use as noted in Section 29-23, prior to the issuance of a special permit by said authority:

- (1) The traffic generated by the use will not be detrimental to the neighborhood.
- (2) The use will not be detrimental to the area in which it is to be located.
- (3) The use will not result in any objectionable fumes, noise, chemical spills or hazardous wastes.
- (4) The hours of operation are compatible with the uses in the neighborhood.

### **Sec. 29-22. Regulations for churches, schools, federal, state, and municipal uses.**

- (a) The minimum lot size shall be that applicable in the district where the use is located.
- (b) The setbacks shall be those applicable in the district where the use is located.
- (c) The minimum frontage shall be that applicable in the district where the use is located.

### **Sec. 29-23. General or specific provisions.**

#### **(a) Day care facility, adult or child.**

- (1) The petitioner shall provide proof that the facility meets the standards promulgated by the Mass. Office for Children and/or Mass. Department of Health.
- (2) There is an adequate play area for child day care facilities.

#### **(b) Conversion of existing dwelling.**

- (1) The dwelling to be converted and the entire lot upon which it is located existed before 1950, and said lot has not been subdivided since 1950.
- (2) The dwelling is not suitable for single or two family residential use due to its size.
- (3) The density is no greater than two times the density permitted if the land on which the dwelling is located was subdivided.
- (4) The conversion of the dwelling is in character with the neighborhood and will not unduly change the exterior of the dwelling.

- (5) Each dwelling unit meets the parking requirements for a single family dwelling.
  - (6) The changes to the exterior design are compatible with dwellings in the neighborhood and with similar dwellings.
  - (7) Emergency access is interior and not by way of windows or exterior stairways, except that exterior stairways are permitted as required by the building code.
  - (8) The conversion of the dwelling results in the preservation of open spaces and yards.
  - (9) The use is subject to a condition that the property may not be further subdivided, and such condition is incorporated into the decision to be recorded at the registry of deeds or registered at the land court.
- (c) **School, college, library, halfway house or other accessory educational buildings and structures, privately owned.**
- (1) The use complies with the provisions of Section 29-22.
  - (2) The use is compatible with the area in which it is to be located.
  - (3) The use is no closer than three blocks from the same existing use.
- (d) **Museum.**
- (1) At least one means of two-way access/egress, at a width deemed appropriate by the permit granting authority shall be provided, however said permit granting authority may require two means of access/egress.
  - (2) Adequate rubbish disposal facilities are located inside or outside the structure and shall be adequately screened/fenced and secured.
  - (3) Adequate delivery and loading areas are provided.
  - (4) There is an adequate drop-off area provided which will not interfere with either vehicular or pedestrian traffic.
- (e) **Convenience store.**
- (1) At least one means of safe, two-way access/egress, at a width deemed appropriate by the permit granting authority shall be provided; however, said permit granting authority may require two means of safe, two-way access/egress at its discretion.
  - (2) There is adequate turnaround area.
  - (3) Adequate rubbish disposal facilities are located inside or outside the structure and shall be adequately screened/fenced and secured.
  - (4) There are sufficient loading and unloading facilities.
  - (5) There is no manufacturing on the premises.
  - (6) There is adequate landscaping and buffer to screen the use from surrounding uses.
- (f) **Temporary parking.**
- (1) The parking area is within five hundred feet of the principal use for which temporary parking is provided.

- (2) Lighting fixtures installed on the property of such uses have sufficient directional controls so that direct lighting occurs only within the boundary of the property line.
  - (3) Such use is in the best interests of the immediate neighborhood and the City as a whole.
  - (4) No such use is located upon a lot any portion of which is within a four hundred foot radius of any lot upon which another such use is located measured from the intersection of all respective property lines.
- (g) **Off-street parking facility for residential uses.**
- (1) At least one means of safe, two-way access/egress, at a width deemed appropriate by the permit granting authority shall be provided; however, said permit granting authority may require two means of safe, two-way access/egress at its discretion.
  - (2) A two foot wide landscaped buffer shall be provided around all boundaries which exist in a residential district. *[amended 7/16/96]*
  - (3) Lighting fixtures installed on the property will have sufficient directional controls so that direct lighting occurs only within the boundary of the property line.
- (h) **Undertaking establishment.**
- (1) The premises abut on a major thoroughfare.
  - (2) The building or structure is in character with the buildings and structures in the neighborhood.
- (i) **Multi-family dwelling.**
- (1) The use is located on a parcel of land which meets the dimensional requirements of Table 2 for each dwelling.
  - (2) A vegetated or other acceptable buffer of at least ten feet is provided around all boundaries.
  - (3) At least one means of safe, two-way access/egress, at a width deemed appropriate by the permit granting authority shall be provided; however, said permit granting authority may require two means of safe, two-way access/egress at its discretion.
- (j) **Lodging house and guest house.**
- (1) The use is not out of character with the neighborhood in which it is located.
  - (2) The use complies with the parking requirements of the ordinance.
  - (3) The building in which the use is located resembles a residential dwelling, or in a business or industrial district, such uses shall be located within a suitable building.
- (k) **Club or lodge.**
- (1) Any dining room operated for sale of alcoholic beverages is incidental to the activities of the club or lodge and is conducted for the benefit of the members thereof only.
  - (2) The club or lodge is operated for charitable or similar purposes and is not for the purpose of carrying on a business for gain.

(l) **Fraternity or sorority house.**

- (1) The use is incidental to an established college or university located in the City of Lawrence.
- (2) The use is located on college or university property on the campus.
- (3) The building or structure is used for student housing only.

(m) **Hospital, hospice, sanitarium, rest home, charitable, philanthropic and eleemosynary institution.**

- (1) The site for such use is a minimum of two acres.
- (2) There is at least a ten foot buffer of vegetation or other acceptable buffer along all lot lines.
- (3) At least one means of safe, two-way, access/egress, at a width deemed appropriate by the permit granting authority shall be provided; however, said permit granting authority may require two means of safe two-way access/egress at its discretion.
- (4) There shall be adequate access/egress for emergency vehicles.

(n) **Community garage.**

- (1) The use serves the immediate area in which it is located.
- (2) The parking area is within five hundred feet of the principal use for which temporary parking is provided.
- (3) Lighting fixtures installed on the property of such uses have sufficient directional controls so that direct lighting occurs only within the boundary of the property line.
- (4) No such use is located upon a lot any portion of which is within a four hundred foot radius of any lot upon which another such use is located measured from the intersection of all respective property lines.

(o) **Restaurant.**

- (1) At least one means of safe, two-way access/egress, at a width deemed appropriate by permit granting authority, shall be provided; however, said permit granting authority may require two means of safe, two-way access/egress at its discretion.
- (2) Adequate rubbish disposal facilities are located inside or outside the structure and shall be adequately screened/fenced and secured.
- (3) All areas for loading and delivery are suitably screened from abutting properties and are designed in a manner which will facilitate required deliveries.
- (4) Drive-thru facilities shall be found to be in compliance with Section 29-23 (rr).

(p) **Garage, filling station, car wash facility or vehicle storage/impoundment facility.**

- (1) No street entrance or exit for vehicles of such garage, service station or car washing facility is within two hundred feet of a street entrance or exit upon the same street or upon the nearer side of an adjacent intersecting street of any school, park, the common, playground, church, convent, hospital, sanitarium, public library, City

Hall, auditorium or other similar philanthropic or educational institution or public place of assembly.

- (2) No portion of such garage, service station or car washing facility is within one hundred feet of a lot in a residential district which abuts on the same side of the street and which is in the same block as the garage, service station or car washing facility in question.
  - (3) No repair facilities affiliated with such garage, service station or car washing facility are located on the lot unless enclosed by a building or a solid fence of six feet in height above the grade of the highest abutting street which shall effectively screen repair activities from any public way and any adjacent property.
  - (4) The use is not detrimental to the neighborhood in which it is to be located.
  - (5) No portion of any vehicular entrance or exit on such property shall be within thirty feet of a corner curb line of an intersecting street, or five feet from a fire hydrant, catch basin or light standard.
  - (6) No garage, service station or car washing facility shall be located upon a lot any portion of which is within a four hundred foot radius of any lot upon which a garage, service station or car washing facility is located measured from the intersection of all respective property lines.
  - (7) Any vehicle storage/impoundment facility, whether separate or as an accessory business, shall be in a building or screened from view by an attractive wall, solid fence or a dense planting of at least six feet in height; the use shall comply with all setback requirements for the district in which it is located and shall be included in the gross floor area of the lot.
- (q) **Public transit passenger stations, telephone exchange buildings, electrical substation, and other similar public facilities.**
- (1) There is an acceptable buffer, either fenced or landscaped, around all boundaries of the premises.
  - (2) All trucks and delivery vehicles shall be out of view and screened from abutting properties.
- (r) **Sign-making establishment.**
- (1) There is an acceptable buffer, either fenced or landscaped, around all boundaries of the premises.
- (s) **Printing and publishing establishment.**
- (1) There is an acceptable buffer, either fenced or landscaped, around all boundaries of the premises.
  - (2) There are adequate loading and unloading facilities for the use.
- (t) **Monument works.**
- (1) There is an acceptable buffer, either fenced or landscaped, around all boundaries of the premises.

(u) **Assembly/function hall.**

- (1) The hours of operation are compatible with the uses in the neighborhood.
- (2) There is an acceptable buffer either fenced or landscaped, around all boundaries of the premises.

(v) **Athletic field.**

- (1) The use will primarily serve the citizens of Lawrence.

(w) **Hotels/motels.**

- (1) At least one means of safe, two-way access/egress, at a width deemed appropriate by the permit granting authority shall be provided; however, said permit granting authority may require two means of safe, two-way access/egress at its discretion.
- (2) There is an adequate drop-off area provided which will not interfere with either vehicular or pedestrian traffic.
- (3) There are adequate loading facilities provided.
- (4) The use abuts a major thoroughfare.
- (5) Adequate rubbish disposal facilities are located inside or outside the structure and shall be adequately screened/fenced and secured.

(x) **Conference center.**

- (1) There is an adequate drop-off area provided which will not interfere with either vehicular or pedestrian traffic.
- (2) At least one means of safe, two-way access/egress, at a width deemed appropriate by the permit granting authority shall be provided; however, said permit granting authority may require two means of safe, two-way access/egress at its discretion.
- (3) The use is located close to other related facilities such as a hotel.
- (4) There are adequate loading and unloading facilities provided.
- (5) Adequate rubbish disposal facilities are located inside or outside the structure and shall be adequately screened/fenced and secured.
- (6) The use abuts a major thoroughfare.

(y) **Parking garage or lot.**

- (1) The parking area is within five hundred feet of the principal use.
- (2) Lighting fixtures installed on the property of such uses have sufficient directional controls so that direct lighting occurs only within the boundary of the property line.
- (3) No such use is located upon a lot any portion of which is within a four hundred foot radius of any lot upon which another such use is located measured from the intersection of all respective property lines.



**(z) Planned unit development.**

- (1) The use may include a combination of retail businesses, offices, light industrial uses or multiple-family dwellings or residential dwellings in one or more buildings or structures together with parking facilities and open space within the defined development area.
- (2) There is 35% of the premises dedicated to open space, and passive and active recreational uses are provided in the open space.
- (3) The traffic circulation pattern for the use is safe and convenient, and links all uses in a logical manner.
- (4) Other uses provided are accessory to the principal uses.
- (5) The minimum size of the premises is the lesser of 60,000 square feet or five times the minimum lot size of the zoning district.
- (6) The minimum frontage of the premises is not less than two times the minimum frontage provided in the zoning district.
- (7) The boundaries of the use are surrounded by a vegetated buffer the size of which shall be determined by the planning board.
- (8) The lot coverage by the buildings is no more than 50%.
- (9) The height of any building or structure does not exceed the height requirement in the zoning district where the building or structure is to be constructed.
- (10) Parking and loading spaces are provided for each use as required by Tables 4 and 5.
- (11) The open space is to be maintained by a private association.
- (12) The density for residential use is no greater than 1 1/4 times the density for residential uses permitted in the R-3 district, for residential uses and lot area, frontage and setbacks shall not be less than 75% of the requirements for residential uses permitted in the R-3 district.

**(aa) Heliport.**

- (1) The use has been properly licensed.
- (2) The facility will not be used after 9:00 P.M. nor before 7:00 A.M. unless for a medical emergency.

**(bb) Accessory uses to scientific research and development.**

- (1) The use does not have to be located on the same parcel of land as the principal use, but such use must relate closely to the principal use.

**(cc) Multi-family in an industrial district.**

- (1) The use complies with the provisions of (i) above.
- (2) At least 35% open space is provided.
- (3) No industrial use is located on the same lot.

(dd) **Outdoor storage.** *[amended 1/16/96]*

- (1) The use is screened from view by an attractive wall, fence, or a dense planting of at least six feet in height.
- (2) The use complies with all setback requirements for the district in which it is to be located and shall be included in the gross floor area of the lot.
- (3) The use is not detrimental to the neighborhood in which it is to be located.
- (4) The use is not injurious to the surrounding area by nature of dust, noise, smoke, odors or traffic from deliveries or patrons of the business.

(ee) **Sales of new cars, trucks and vehicles.** *[amended 1/3/95]*

- (1) The sale of used vehicles is limited to those sales accessory to the new vehicle sales, so long as such accessory sale of used vehicles does not take up more than 50% of the developed lot area.

(ff) **Group home, halfway house, non-educational.**

- (1) The applicant group home is subject to license or approval by an agency of the Commonwealth or the federal government and is engaged in applying for whichever is appropriate.
- (2) The use is no closer than three blocks to an existing group home or halfway house.

(gg) **Substantial addition to an existing dwelling.**

- (1) The design of the addition is of the same character as the existing dwelling.
- (2) The location of the addition is not out of character with the neighborhood.
- (3) The addition blends with and is compatible with the neighborhood.
- (4) Required parking is available.

(hh) **Rehabilitation.**

- (1) The proposed use is compatible with the property and requires a minimal alteration of the building, structure, or site and its environment, or the proposed use of the property is its original intended use.
- (2) The distinguishing original qualities or character of the building, structure, or site and its environment are not destroyed; and the removal or alteration of any historic material or distinctive architectural features is avoided.
- (3) The proposed alteration has a historical basis and does not attempt to create an earlier appearance.
- (4) The significance of changes which have taken place in the past development of the building, structure, or site and its environment are recognized and respected.
- (5) The distinctive stylistic features or examples of skilled craftsmanship which characterize the building, structure or site are treated with sensitivity.
- (6) The site plan elevations also include renderings which show that the requirements of (1) through (5) are met by the proposed rehabilitation.
- (7) The deteriorated architectural features are repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material matches the

material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features is based on accurate duplications rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

- (8) The surface cleaning of structures is to be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials is not being undertaken.
- (9) Every reasonable effort is being made to protect and preserve archaeological resources affected by or adjacent to the proposed rehabilitation project.
- (10) Any proposed contemporary design for alterations and additions do not destroy significant historical architectural or cultural material; and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, and environment.
- (11) Any proposed additions or alterations to the building or structure are to be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building or structure would be unimpaired.

**(ii) Public or commercial recreational use.**

- (1) At least one means of safe, two-way access/egress, at a width deemed appropriate by the permit granting authority shall be provided; however, said permit granting authority may require two means of safe, two-way access/egress at its discretion.
- (2) Parking for the use is adequate.
- (3) The use abuts a major thoroughfare.
- (4) The use will not create a nuisance.
- (5) The use will not result in any objectionable noise, lighting, or fumes.
- (6) The lot on which the use is located is adequate to accommodate the use, structures, buildings, parking, and safe access and off-street loading for the use.
- (7) Adequate buffer either fenced or landscaped is provided between the use and any adjoining and less intense uses.
- (8) Lighting fixtures installed on the property will have sufficient directional controls so that direct lighting occurs only within the boundary of the property line.

**(jj) Main bank, branch bank, financial institution, free standing automatic teller machine structures.**

- (1) Parking and vehicular circulation does not interfere with pedestrian access.
- (2) At least one means of safe, two-way access/egress, at a width deemed appropriate by the permit granting authority shall be provided; however, said permit granting authority may require two means of safe, two-way access/egress at its discretion.
- (3) Drive-thru facilities shall be found to be in compliance with Section 29-23 (rr).

**(kk) Mixed Use.**

- (1) Loading and unloading facilities are provided when necessary.
- (2) The nonresidential use is compatible with the residential use and surrounding uses are compatible with the residential use.
- (3) All parking requirements for each use are met as required by this ordinance under Section 29-18.
- (4) Adequate rubbish disposal facilities are located inside or outside the structure and shall be adequately screened/fenced and secured.

**(ll) Retail sales establishment, retail service establishment.**

- (1) There is no manufacturing which takes place on the premises, except that incidental to the principal use.
- (2) Adequate rubbish disposal facilities are located inside or outside the structure and shall be adequately screened/fenced and secured.
- (3) At least one means of safe, two-way access/egress, at a width deemed appropriate by the permit granting authority shall be provided; however, said permit granting authority may require two means of safe, two-way access/egress at its discretion.
- (4) There is adequate landscaping and buffer to screen the use from surrounding areas.

**(mm) Self-service laundromat, dry cleaning establishments, and hand laundry facilities.**

- (1) Adequate rubbish disposal facilities are located inside or outside the structure and shall be adequately screened/fenced and secured.
- (2) At least one means of safe, two-way access/egress, at a width deemed approximately by the permit granting authority shall be provided, however said permit granting authority may require two means of safe, two-way access/egress at its discretion.
- (3) There is adequate landscaping and buffer to screen the use from surrounding areas.

**(nn) Refuse treatment and disposal facility.**

- (1) The use has received a site assignment pursuant to General Laws, Chapter 111, Section 150A.
- (2) The operator of the proposed facility has all required licenses and permits.
- (3) The facility is screened from surrounding properties by dense planting.
- (4) The traffic to and from the facility is not detrimental to the neighborhood.
- (5) Adequate security, including fencing of the entire facility is provided.
- (6) The applicant has provided evidence of adequate liability insurance.

**(oo) Dormitory, private.**

- (1) The use is incidental to an established college or university located in the City of Lawrence.

- (2) The use is located on college or university property on the campus.
- (3) The building or structure is used for student housing only.
- (4) Adequate parking and drop off areas are provided.
- (5) The use complies with the provisions of Section 29-22.

**(pp) Accessory structures on buildings or structures.**

- (1) The height of the accessory structure is compatible with the neighborhood.
- (2) The height of the accessory structure is necessary for the purpose it serves.
- (3) The height of the accessory structure does not violate air space of abutting property.
- (4) The accessory structure aesthetically blends with the uses, buildings, and structures in the surrounding neighborhood.

**(qq) Reconstruction of pre-existing nonconforming residential use, building, or structure.**

- (1) The design of the building or structure is in character with the buildings or structures in the neighborhood.
- (2) The building or structure does not expand beyond the pre-existing footprint of the destroyed building or structure and does not exceed the height of the destroyed building or structure.
- (3) Any pre-existing non-conformity is not increased.
- (4) The parking requirements are met for each dwelling unit.

**(rr) Drive-thru facilities.**

- (1) The front of the drive-thru facility shall be no closer than forty (40) feet to the front lot line.
- (2) There shall be a clear and unobstructed egress from the drive-thru facility to the road.
- (3) In the case of drive-thru facilities for a restaurant use there shall be a minimum of five standard sized parking spaces within easy access of the drive thru. These spaces are to be in addition to the requirements set forth under Section 29-18(b), Table 4.
- (4) There shall be sufficient on-site safe, two-way access/egress for the facility.
- (5) If the drive-thru facility is an accessory use, then there shall be sufficient safe, two-way access/egress for both the drive-thru and the primary use although not necessarily separate.
- (6) There shall be no more than two curb cuts located at the site.

**(ss) Shopping center.**

- (1) At least one means of safe, two-way access/egress, at a width deemed appropriate by the permit granting authority, shall be provided; however, said permit granting authority may require two means of safe, two-way access/egress at its discretion.
- (2) Adequate rubbish disposal facilities are located inside or outside the structure and shall be adequately screened/fenced and secured.
- (3) Parking and vehicular circulation does not interfere with pedestrian access.

- (4) There are adequate loading and unloading facilities provided.
- (5) The use abuts a major thoroughfare.
- (6) Lighting fixtures installed on the property will have sufficient directional controls so that direct lighting occurs only within the boundary of the property line.
- (7) There is a four foot wide live vegetated buffer located along the front and side lot lines.
- (8) Parking spaces are to be a minimum of ten feet wide.

(tt) **Awnings & canopies.**

- (1) Any awning fully fills the width of the window opening.
- (2) A continuous awning or a canopy is supported at points on the piers and at the bottom of the frieze.
- (3) The awning or canopy aligns with those on adjacent buildings or structures.
- (4) There is a minimum clearance of seven and one-half feet above the sidewalk.

(uu) **Liquor stores and liquor sales.**

- (1) The use shall not be located upon a lot any portion of which is within a one-thousand foot radius of any lot upon which another liquor store or liquor sales is located as measured from the intersection of all respective property lines.
- (2) There are adequate off-street loading and unloading facilities.
- (3) Adequate rubbish disposal facilities are located inside or outside the structure and shall be adequately screened/fenced and secured.

(vv) **Temporary mobile home.**

- (1) The mobile home shall only be located on the site of a residence destroyed by fire or other natural holocaust to be occupied for a period no longer than twelve (12) months while the residence is being rebuilt.
- (2) The use complies with all the provisions of the State Sanitary Code and the Building Code.

(ww) **Adult Uses [amended 12/7/93]**

- (1) No Special Permit for use as an adult bookstore, adult videostore, adult motion pictures theatre, adult live shows, adult entertainment center or any use involving matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conductor sexual excitement as defined in Sec. 31 of Ch.272 of M.G.L. shall be granted for a building or buildings located within:
  - a. 500 feet radius of any residential district.
  - b. 500 feet radius of a school or any other educational institution, a church, another currently existing or permitted adult bookstore, videostore or adult motion picture theater, adult live show, adult entertainment center or other adult use, or an establishment licensed to sell alcoholic beverages under the provisions of Chapter 138, Section 12 MGL. No one under age twenty one (21) shall be admitted to any location housing an adult use.

- (2) No adult bookstore, videostore, motion picture theater or other adult use shall be allowed to display for advertisement or other purpose any signs, posters or other like material to the general public on the interior or exterior of the building or, through glass or other like transparent material, any sexually explicit figures or words as defined in Section 31 of Chapter 272 of the MGL.
- (3) Signage shall be subject to the final approval of the Planning Board with regard to signage requiring a special permit.

**(xx) Research and Development facility, research laboratory or research facilities for scientific or medical research. [amended 6/6/95]**

- (1) If biotechnology (recombinant DNA also know as rDNA) is a component of the use, the use is subject to prior receipt of a permit from the Board of Health as described in the "Regulations Relative to Biomedical Research in the City of Lawrence."
- (2) The facility is exclusively used for research purposes with no manufacturing on the premises unless it is clearly incidental to the operation of the facility and shall not exceed fifty (50) percent of the gross floor area of the building.
- (3) The use shall be conducted solely within a building and shall not be offensive, noxious, detrimental, or dangerous to surrounding areas or the City by reason of the release into the air or water of noxious or hazardous substances or by reason of other adverse environmental effects.
- (4) The use is not injurious to the surrounding area by nature of dust, noise, smoke and odors.

**(yy) Indoor Warehousing and recovery of used automobile and machine parts. [amended 2/6/96]**

- (1) All loading and unloading operations shall be conducted solely inside the building.
- (2) Adequate rubbish disposal facilities are located inside the structure.
- (3) The operator of the establishment has all required licenses and permits.
- (4) The use shall be conducted solely within a building.
- (5) Views of the facility shall be screened by an attractive soled wall at least six feet in height above the grade of the highest abutting street.
- (6) The use complies with all setback requirements for the district in which it is to be located and shall be included in the gross floor area of the lot.
- (7) The use is not detrimental to the neighborhood in which it is to be located.
- (8) The use is not injurious to the surrounding area by nature of dust, noise, smoke, odors or traffic from deliveries or patrons of the business.

**(zz) Assisted living use.**  
*[amended 4/15/97]*

- (1) Parking and vehicular circulation does not interfere with pedestrian access.
- (2) There are adequate landscaped open space areas for the residents' use.
- (3) Where group food services are provided, adequate rubbish facilities are located inside or outside the structure and adequately screened/fenced. Delivery access shall not conflict with emergency vehicle access.
- (4) The use abuts a major thoroughfare.

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1-22-01



### Sec. 29-24. Procedures for Issuance of Special Permits.

- (a) **Generally.** The special permit uses specified in Table 1 and elsewhere in this ordinance shall be subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements and standards of this ordinance, including those provided under Section 29-23.
- (b) **Application.** The applicant shall first file twelve copies of an application for a special permit with the city clerk, who shall certify on the copies of said application and on any accompanying plans and documents, the date and time of filing. The applicant shall immediately file such applications and all accompanying plans and documents with the special permit granting authority.
- (c) **Required plan.** A plan for the proposed development of a lot for a special permit use shall be submitted with an application for a special permit, and such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and any other information necessary to determine if the proposed special permit use meets the requirements of this Chapter.
- (d) **Required studies.** The special permit granting authority may, where it deems it necessary, require studies to enable it to make its required findings. The applicant shall pay for such studies, and the special permit granting authority shall determine the scope of such studies. A traffic study, to be paid for by the applicant, shall be required for the following uses, which are at or exceed the floor space square footage/# units specified:

Office:	50,000 s.f.
Retail/Commercial:	20,000 s.f.
Residential:	50 units
Hotels/motels:	50 units
Industrial/manufacturing:	100,000 s.f.
Other:	50,000 s.f.

The special permit granting authority may require a traffic study for a smaller project, upon finding that a particular traffic safety issue necessitates such a study and further analysis.

In completing the traffic study, the applicant must determine and certify under penalties of perjury whether an Environmental Notification Form must be filed with the Massachusetts Secretary of Environmental Affairs. If so, final certification from the Secretary is required along with any studies prior to application for a special permit.

In cases where traffic studies are required by the Secretary, the special permit granting authority will not require a separate traffic study. Additional information requested by the special permit granting authority based on the generic scope and the scoping session described below, can be attached as an appendix to reports certified by the Secretary.

Any required traffic study shall be conducted by an experienced transportation consultant, based on the following generic scope:

**Generic Scope:**

- (1) Driveway safety conditions: Document line of sight conditions for proposed curb cuts and average travel speeds on adjacent roadway. Evaluate safety conditions based on the most current professional engineering standards. Evaluate pedestrian safety conditions.
- (2) Roadway and intersection safety conditions: Obtain and analyze accident records of previous two years on adjacent roadway and 2 nearest significant intersections. Evaluate safety deficiencies on adjacent roadway and at intersections and calculate accident rates. Evaluate pedestrian safety conditions.
- (3) Safety mitigation measures. Identify low cost safety improvement measures (striping, signage, signal modification, foliage removal, etc.) and provide cost estimates. Identify other safety measures such as signalization, intersection reconstruction, etc. and provide cost estimates.
- (4) Obtain trip generation rates from current ITE manual. Develop a trip distribution model for the P.M. peak, assigning traffic within the study area. Discuss whether P.M. peak is sufficient or whether A.M. or weekend peaks should be analyzed.
- (5) Obtain traffic counts for adjacent roadway (24 hour count in 15 minute increments), identifying true A.M. and P.M. peak volumes for each direction. Obtain P.M. peak hour turning movement counts for the identified intersections. Identify level of service for the intersection utilizing a professional standards manual.
- (6) Estimate background traffic growth for target year for full project occupancy and re-evaluate level of service for intersections without development for targeted occupancy year.
- (7) Utilizing trip distribution model, estimate traffic volumes and identify levels of service for streets and intersections within study area with full development.
- (8) Identify traffic flow mitigation measures and effectiveness of measures on traffic volumes and level of service analyses. Mitigation measures may be road improvements or actions to reduce peak travel demand (see checklist).
- (9) Identify financial or other commitments to implementation of safety or traffic flow mitigation.

The special permit granting authority may deny the proposed special permit application if the use, as proposed, would result in an increased traffic safety risk or in an increase in traffic which would result in an intersection as a whole deteriorating to a level of service "E" or worse (based on the average of the sum of the critical movements).

The applicant should consider in addition to the other mitigation measures, the below-listed mitigation measures:

- (1) Driveway improvements or relocation
- (2) Sidewalk improvement
- (3) Resurfacing
- (4) Pavement markings
- (5) Signal retiming

- (6) Landscaping
- (7) Intersection signalization or widening (design and or construction)
- (8) Peak hour officer control
- (9) One-way street pattern proposals
- (10) Ride-sharing program, employee transit subsidy, flextime, staggered work hours or split shifts
- (11) Parking preferences, policies

The special permit granting authority or its agent shall determine the scope of the traffic study prior to submission of the special permit application. The applicant shall initiate the process by providing a proposed scope to the special permit granting authority or its agent. Within two weeks of submission of the scope the special permit granting authority or its agent shall either accept the scope by written letter or provide the applicant with the required scope.

The proposed scope should identify the geographic scope for the study, identify key intersections for analysis, and describe methodology and assumptions. A minimum of two intersections should be analyzed. Intersections within the study area should be analyzed if they represent a potential or actual safety problem and/or traffic bottleneck point.

The special permit granting authority may request additional information and data prior to reaching a decision on a special permit application and may require uses below the threshold level to undertake studies where there is an issue of traffic safety or sensitivity to neighboring environment which needs to be addressed at a technical level.

- (e) **Standards applicable to all special permit uses.** The special permit granting authority shall consider, before authorizing the issuance of a special permit, the location and size of the use; the nature and intensity of the operations involved; the size of the site in relation to the use; the location, nature and height of proposed and existing buildings and structures; the effect of the proposed use on adjacent land and buildings and shall find that the proposed use is in harmony with the intent and purpose of this ordinance and shall provide reasons therefor. In addition, the special permit granting authority shall make the requisite findings for each use as set forth under Section 29-23 and under subsections (f) and (g) of this Section 29-24, if applicable, and shall provide reasons therefor. In making any of the required findings, the special permit granting authority may consider and rely upon any sources of information provided by the applicant, another board, or by any other person, and may also consider and rely upon all studies, standards, guidelines, or similar information available within or without the City of Lawrence which addresses the subject matter of the special permit before the special permit granting authority.

- (f) **Special permit uses in residential districts:**

- (1) The use shall be located on a lot large enough to accommodate the building or buildings involved, structure or structures involved, necessary off-street parking or garaging space; and shall meet all yard requirements of the district as determined by the special permit granting authority.
- (2) The height of buildings shall not exceed the height permitted in the district; provided, a height in excess of this requirement shall be permitted up to fifty percent over the re-

quirement if all yards are increased to equal the height of the tallest building in the district.

(g) **Special permit uses in business and industrial districts:**

- (1) The use shall be located on a lot large enough to accommodate the building or buildings involved, structure or structures involved, necessary off-street parking or garaging space, off-street loading space, and shall be situated so as to minimize the hazards of traffic ingress and egress.
- (2) The particular use involved shall not create any observable nuisance or effect beyond the boundary of the lot that is more intense than that of a permitted principal use in the district.
- (3) In a business district, the height of buildings shall not exceed that required in the district; provided, a height in excess of this requirement shall be permitted up to fifty percent over the requirement if all yards are increased to equal the height of the tallest building in the district.

(h) **Procedure.** The special permit granting authority shall hear and decide upon a special permit as prescribed by Massachusetts General Laws, Chapter 40A.

(i) **Review by other boards, agencies, or departments.** The special permit granting authority shall submit a copy of the application to the following boards, agencies, or departments for review: Planning and Community Development Department; Police Department; Fire Department; Department of Public Works; Board of Health; and Planning Board if it is not the special permit granting authority. The special permit granting authority may also submit copies of the application to other boards, agencies, or departments, local, state, or federal, as it deems necessary. Each board shall review the application and report to the special permit granting authority and the applicant with recommendations as it deems appropriate within thirty-five days of receipt of such application. The special permit granting authority shall consider the reports of such other boards in making its decision.

(j) **Effective date.** A special permit shall not be in effect until recorded at the Essex County Registry of Deeds at the expense of the applicant.

(k) **Conditions.** In issuing a special permit, the special permit granting authority may impose conditions, safeguards and limitations of time and use, including limiting a use to continued ownership.

(l) **Exercise.** The use or construction permitted by a special permit shall be commenced or begun within one year of issuance or it shall lapse and must be reestablished by filing a new application for such special permit and after a new notice, hearing, and findings. Any appeal shall stay the running of this time period.

(m) **Modification, extension, or renewal.** In the event of modification, extension, or renewal of a previously granted special permit, the applicant shall follow the same procedures as required for the original application.

(n) **Rules of procedure.** The special permit granting authority shall adopt rules of procedure not inconsistent with this ordinance or with the laws of the Commonwealth and shall file such rules with the city clerk. The rules will be published in accordance with the requirements of the City Charter.

## ARTICLE VIII

### SITE PLAN REVIEW AND APPROVAL REGULATIONS

**Sec. 29-25. Applicability.**

As specified in this ordinance, certain uses shall require site plan review by the planning board and other uses shall require site plan approval by the planning board.

The purpose of site plan review and approval is to ensure that buildings and structures are properly located on a site in order to protect abutting properties from noise, fumes, glare of lights, and other detrimental effects of a proposal; to preserve natural architectural, historical and other valuable features on the site to be developed; and to provide for adequate traffic patterns, access driveways, parking, sidewalks, loading facilities, drainage, solid waste disposal, sewer, and water in order to protect the public health, safety and welfare.

**Sec. 29-26. Site Plan Review.**

A site plan review shall be advisory in nature and shall be without a public hearing but the planning board shall determine whether the zoning provisions have been complied with, and shall submit a report to the zoning board of appeals. No special permit shall be issued by the board of appeals until receipt of this report, or the expiration of thirty-five days after receipt of the site plan by the planning board without a report. In issuing a special permit, the zoning board of appeals must find that a site plan review application was submitted to the planning board by the applicant.

Where site plan review is required for a use designated PSR in Section 29-11 (Table of Uses), the planning board shall submit its report to the building commissioner who shall be the permit granting authority (rather than the planning board, which report shall be advisory in nature to the building commissioner in issuing a building permit for any such use. Site plan review under this paragraph shall be in place of the site plan approval procedures set forth in Section 29-27. No building permit shall be issued by the building commissioner until receipt of this report, or the expiration of thirty-five days after receipt of the site plan by the planning board without a report. In issuing a building permit for a PSR-designated use, the building commissioner must find that a site plan review application was submitted to the planning board by the applicant. *[amended 4/15/97]*

**Sec. 29-27. Site Plan Approval.**

Site plan approval by the planning board, for cases requiring a special permit by said board as noted in Sec. 29-11 (Table of Uses), shall require the planning board to hold a public hearing and to follow the procedures as set forth for special permits under Article VII of this ordinance.

Site plan approval by the planning board shall also be required of all new construction, with the exception of single and two-family structures, which does not otherwise require a special permit from either the planning board or the zoning board of appeals. Said approval shall be without a public hearing but the planning board shall determine:

- (1) Whether the zoning provisions have been complied with,
- (2) That the design of the building or structure is compatible with the architecture in the neighborhood, and
- (3) That the findings as per use have been met.

**Sec. 29-28. Application and Procedures.**

- (a) **Pre-submission review.** Prior to the submission of a formal site plan, the applicant should meet in person with the planning board's agent to discuss the proposal, in order to determine the requirements necessary in developing and submitting the required site plan.
- (b) Twelve copies of an application for site plan review or approval shall be submitted to the planning board, each accompanied by a plan. The planning board shall submit copies of the application and plan to other boards, agencies, and departments as provided by Section 29-24(i) for review and comment within thirty-five days of receipt. In the case of site plan approval, the applicant shall be responsible for first submitting the application and plan to the city clerk for date and time stamping in order to start the time for processing of a special permit. For plans requiring site plan review, an agent of the planning board shall date and time stamp the plans upon submission to the planning board.
- (c) **Contents of site plan -- new construction.**
  - (1) Plans shall be prepared by a registered professional engineer, registered land surveyor, registered architect, or registered landscape architect, as appropriate.
  - (2) Plans shall be on sheets no larger than 24 X 36 inches, at a scale of one inch equals 40 feet, unless otherwise permitted by the planning board.
  - (3) Plans requiring more than one sheet shall include a key.
  - (4) The applicant shall provide all required information on as many sheets as are necessary in order to clearly depict the required information and to prevent confusion; and all related information shall be shown on one sheet wherever possible.
  - (5) Necessary information, unless otherwise permitted by the planning board, shall include:
    - (i) The names and addresses of all owners of record of all adjacent property, as appearing on the most recent tax assessment list of the City.
    - (ii) Existing zoning district boundaries.
    - (iii) Boundaries of the property; yards and set-back lines as required in this ordinance, and lines of existing streets, lots, reservations, easements and areas dedicated to public use. All lengths shall be in feet and decimals of a foot, and all angles shall be given to the nearest ten seconds or closer if deemed necessary by the surveyor. The error of closure shall not exceed one to ten thousand.
    - (iv) A copy of any covenants or deed restrictions that are intended to cover all or part of the tract and will become a part of any subsequent instruments of conveyance.
    - (v) Location of existing buildings.
    - (vi) Location of existing water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.

- (vii) Existing contours with intervals of five feet or less, referred to a datum satisfactory to the planning board.
  - (viii) Location of existing water courses, marshes, rock outcrops, wooded areas, single trees with a diameter of eight inches or more, measured three feet above the base of the trunk, and other significant existing features.
  - (ix) Location of existing streets and ways which abut the proposal.
  - (x) Title of development, date, north point, scale, name and address of record owner, engineer, architect, land planner or surveyor preparing the site development plan.
  - (xi) The proposed use or uses of land, buildings, and structures and proposed location of buildings and structures, including proposed grades, elevations, and facade treatment of all proposed buildings and structures.
  - (xii) All proposed lots, easements, and public and community areas.
  - (xiii) All proposed streets with profiles indicating grading and cross-sections showing width of drives or roadway, location and width of sidewalks, and location and size of utility lines, according to the standards and specifications of the City of Lawrence. All lengths shall be in feet and decimals of a foot, and all angles shall be given to the nearest ten seconds or closer if deemed necessary to the surveyor. The error of closure shall not exceed one to ten thousand.
  - (xiv) All means of vehicular ingress and egress to and from the site onto public or private streets or ways.
  - (xv) The location and design of any off-street parking areas or loading areas.
  - (xvi) The location of all proposed water lines; valves and hydrants and all sewer lines or alternative means of water supply or sewage disposal and treatment.
  - (xvii) The proposed location, direction, power, and time, of proposed outdoor lighting.
  - (xviii) The proposed screening and landscaping, including a planting plan prepared by a qualified landscape architect or architect, if required by the planning board.
  - (xix) Proposed storm water drainage system together with engineering calculations for a 10-year storm.
  - (xx) Proposed grading, including erosion control plans.
  - (xxi) For plans requiring site plan approval, the planning board may require the submission of additional studies such as traffic studies, drainage studies, economic studies, or environmental studies to enable it to complete its approval process and make the required findings. The planning board shall determine the scope of such studies.
- (6) The application, whether for review or approval, shall be accompanied by the required filing fee as specified in the rules and regulations of the planning board when acting as a special permit granting authority.
- (7) The application shall be accompanied by a copy of all other approvals, permits, variances, orders of conditions, licenses, and applications to other boards or to the state or federal government.

- (8) The application shall be signed by the property owner, or the owner's agent with proof of authorization to act as agent.
- (9) Elevations depicting facade design, color scheme and use of materials shall be submitted.
- (d) **Contents of site plan – existing structure.**
  - (1) Plans shall be prepared by a registered professional engineer, registered land surveyor, registered architect, or registered landscape architect, as appropriate.
  - (2) Plans shall be on sheets no larger than 24 x 36 inches, at a scale of one inch equals 50 feet, unless otherwise permitted by the planning board.
  - (3) Plans requiring more than one sheet shall include a key.
  - (4) The applicant shall provide all required information on as many sheets as are necessary in order to clearly depict the required information and to prevent confusion; and all related information shall be shown on one sheet wherever possible.
  - (5) Necessary information, unless otherwise permitted by the planning board, shall include:
    - (i) The names and addresses of all owners of record of all adjacent property, as appearing on the most recent tax assessment list of the City.
    - (ii) Existing zoning district boundaries.
    - (iii) Boundaries of the property; yards and set-back lines as required in this ordinance; and lines of existing street, lots, reservations, easements and areas dedicated to public use. All lengths shall be in feet and decimals of a foot, and all angles shall be given to the nearest ten seconds or closer if deemed necessary by the surveyor. The error of closure shall not exceed one to ten thousand.
    - (iv) A copy of any covenants or deed restrictions that are intended to cover all or part of the tract and will become a part of any subsequent instruments of conveyance.
    - (v) Location of existing buildings.
    - (vi) Existing contours with intervals of five feet or less, referred to a datum satisfactory to the planning board.
    - (vii) Location of existing water courses, marshes, rock outcrops, wooded areas, single trees with a diameter of eight inches or more, measured three feet above the base of the trunk, and other significant existing features.
    - (viii) Location of existing streets and ways which abut the proposal.
    - (ix) Title of development, date, north point, scale, name and address of record owner, engineer, architect, land planner or surveyor preparing the site development plan.
    - (x) All proposed easements and rights of ways.
    - (xi) All means of vehicular ingress and egress to and from the site onto public or private streets or ways.
    - (xii) The location and design of any off-street parking areas or loading areas.



- (xiii) The location of all proposed water lines; valves and hydrants and all sewer lines or alternative means of water supply or sewage disposal and treatment.
  - (xiv) The proposed location, direction, power, and time of proposed outdoor lighting.
  - (xv) The proposed screening and landscaping, including a planting plan prepared by a qualified landscape architect or architect, if required by the planning board.
  - (xvi) Proposed storm water drainage system together with engineering calculations for a 10-year storm.
  - (xvii) Proposed grading
  - (xviii) For plans requiring site plan approval, the planning board may require the submission of additional studies such as traffic studies, drainage studies, economic studies, or environmental studies to enable it to complete its approval process and make the required findings. The planning board shall determine the scope of such studies.
- (6) The application, whether for review or approval, shall be accompanied by the required filing fee as specified in the rules and regulations of the planning board when acting as a special permit granting authority.
  - (7) The application shall be accompanied by a copy of all other approvals, permits, variances, orders of conditions, licenses, and applications to other boards or to the state or federal government.
  - (8) The application shall be signed by the property owner, or the owner's agent with proof of authorization to act as agent.

**(e) Required matters for review or required findings for approval.**

- (1) The plan complies with all use, dimensional, parking, and loading requirements of the ordinance.
- (2) The traffic layout provides maximum safety of traffic circulation, ingress and egress, including adequate streets, entrances and exits, traffic flow, sight distances, curb cuts, turning lanes, and signalization.
- (3) Proposed lighting (including the location, power, direction and time of any outdoor lighting of the site) have no adverse effect upon any adjoining properties by impairing the established character, or the potential use, of such properties.
- (4) Proposed screening and landscaping will adequately screen, at all seasons of the year, all parking and service areas from the view of adjacent properties and streets and will be in character with the surrounding area.
- (5) The improvements and amenities if required, are to be installed on the property at the expense of applicant and shall assist in the establishment of a sound, urban environment. Such improvements shall include but not be limited to granite curbing, portland cement sidewalks, and street trees, where required.
- (6) Proposed sidewalks, and other amenities will provide maximum pedestrian and bicycle safety and access.

- (7) Proposed off-street parking and loading is adequately located to serve the proposed use conveniently and safely.
  - (8) The proposed method of sewage disposal, refuse disposal, or solid waste disposal will provide a clean, healthy, and safe environment, and is of adequate size and design to meet the needs of the proposed use.
  - (9) The proposed water supply system is designed in a manner to provide adequate potable water and with sufficient pressure to enable safety in case of fire or other water-dependent emergencies.
  - (10) Proposed grading of the site will be minimal and erosion will be prevented by protective measures.
  - (11) Proposed storm water drainage is based upon a 10-year storm intensity occurrence, utilizing on site absorption wherever practical, and taking into account the contour of the land.
  - (12) Emergency vehicle access, including, but not limited to, fire, police, and highway departments is possible based on adequate turning radius and access widths.
  - (13) Proposed utility lines are located so as to be aesthetic and safe.
  - (14) Buildings and structures are of a scale and design so as to blend with the site and the surrounding neighborhood, and are located and configured on the site in such a manner as to be in character with the surrounding neighborhood.
  - (15) All significant architectural, natural, historical, archaeological, or other valuable features on the site have been preserved.
  - (16) The proposal will not create any unnecessary pollution, noise, odor, or glare.
- (f) After acting upon a site plan review application, the planning board shall submit one copy of its report to the board of appeals and one copy to the applicant.
- After acting upon a site plan review application for a PSR-designated use, the planning board shall submit one copy of its report to the building commissioner and one copy to the applicant. *[amended 4/15/97]*

## ARTICLE IX BOARD OF APPEALS

### Sec. 29-29. Establishment; Composition; Appointment; Term; Vacancies.

- (a) **A board of appeals is hereby established.** The members of the board of appeals in office at the time this ordinance is adopted shall continue to hold office until their respective terms expire. The word "board" when used in this section shall be construed to mean the zoning board of appeals.
- (b) The board shall consist of five members and two associate members each to be appointed by the Mayor, subject to confirmation by the City Council. The term of office of the members shall be so arranged such that the term of office of at least one regular member and one associate member will expire in January of each year. Successors shall be appointed at the expiration of their respective terms to serve three years, associate members shall be appointed for two-year terms, the original appointments being for a one-year term and a two-year term, respectively. An appointment to fill a vacancy shall be only for the unexpired portion of the term. In the case of a temporary vacancy, inability to act, or an interest on the part of a member, the chairman of the board shall designate an associate member to serve in his or her place.

### Sec. 29-30. To Adopt Rules of Procedure; Meetings; Assistants; Minutes; Voting.

- (a) **Generally.**  
The board of appeals shall adopt rules not inconsistent with this ordinance or with the laws of the Commonwealth and shall file such rules with the city clerk. The rules will be published in accordance with the requirements of the City Charter.
- (b) **Meetings.**  
Meetings of the board of appeals shall be held at such times as the board may determine or upon call of the chairman. These board meetings shall be open to the public and shall be subject to the requirements of the open meeting law, General Laws.  
No meeting of the board shall continue after 11:00 p.m. without a vote by the board to continue said meeting and shall require a favorable vote of three voting members or associate member acting as a voting member.
- (c) **Clerical help.**  
Within the limits of appropriations made available, the board of appeals may appoint, subject to the confirmation of the City Council, and fix the compensation of such number of stenographic, clerical and technical assistants as deemed necessary.
- (d) **Minutes and records.**  
The clerk of the board of appeals shall keep minutes of the board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The clerk shall keep records of the board's examinations and official actions, all of which shall be immediately filed in the office of the board of appeals and shall be a public record.

(e) **Voting.**

A vote by the board to act favorably upon an appeal, application for a special permit, or petition for a variance shall require a favorable vote of four members. This shall also be the quorum requirement.

**Sec. 29-31. Powers and Duties.**

The board of appeals shall have the following powers:

- (a) To hear and decide appeals from the building commissioner or other administrative officer under zoning;
- (b) To hear and decide applications for a special permit over which the board is empowered to act under this ordinance; and
- (c) To hear and decide petitions for variances, all as prescribed by the General Laws, Chapter 40A. This ordinance does not permit use variances.

**Sec. 29-32. Appeals.**

(a) **Administrative Applicability.**

An appeal to the board of appeals may be made by any person aggrieved by reason of his or her inability to obtain a permit or enforcement action from the building commissioner or other administrative officer under the provisions of this ordinance. An appeal may also be filed by the Merrimack Valley Regional Planning Commission, an officer or board of the City of Lawrence, or an officer or board from a City or Town abutting Lawrence.

(b) **Procedure.**

Any appeal of an order or decision shall be taken within thirty days after the date of the order or decision which is being appealed, and the board shall hear and decide upon the appeal as prescribed by the General Laws, Chapter 40A.

(c) **Appeal application.**

All appeals to the board shall be in writing on forms prescribed by the board of appeals. Every appeal shall refer to the specific provision of this ordinance at issue, and shall set forth the interpretation that is claimed, include any plans, or include such other information as the rules of the board may require for a completed application.

(d) **Record of officer.**

The board shall obtain all documents and papers constituting the record of the case in which the appeal is taken from the officer or administrative official whose decision is being appealed.

(e) **Decision.**

In exercising its powers, the board may issue or direct the issuance of a permit, make orders or decisions, reverse or affirm in whole or in part, or modify any order or decision of the officer or administrative official whose decision is being appealed, and to that end shall have all the powers of the officer or administrative official from whom the appeal is taken.

(f) **Effective date.**

The decision of the board shall not be in effect until recorded at the Essex County Registry of Deeds at the expense of the appellant.

**Sec. 29-33. Special Permits.****(a) Applicability.**

The zoning board of appeals may issue a special permit for all uses which this ordinance permits by special permit from the board, subject, however, to site plan review by the planning board as provided in this ordinance.

**(b) Procedure.**

The board shall follow the procedures set forth in Article VII of this ordinance in permitting a use by special permit and the procedures prescribed by the General Laws, Chapter 40A.

**Sec. 29-34. Variances.****(a) Applicability.**

Without being denied a permit, a petitioner may petition or appeal to the board to issue a variance from dimensional provisions set forth in this ordinance. This ordinance does not permit use variances.

**(b) Findings.**

A variance may be issued if the board specifically finds, and gives reasons therefor, of all the following:

- (1) That owing to circumstances relating to the soil conditions, shape, or topography of such land, buildings, or structures and especially affecting such land, buildings, or structures, but not affecting generally the zoning district in which it is located a literal enforcement of the dimensional provisions of the ordinance would involve substantial hardship, financial or otherwise, to the petitioner or appellant;
- (2) That desirable relief may be granted without substantial detriment to the public good; and
- (3) That desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of such ordinance.

If the board is unable to make all three findings, the variance must be denied.

**(c) Procedure.**

The board shall hear and decide upon a variance petition or appeal as prescribed by the General Laws, Chapter 40A.

**(d) Effective date.**

A variance shall not be in effect until recorded at the Essex County Registry of Deeds at the expense of the petitioner or appellant.

**(e) Conditions.**

In issuing a variance, the board may impose conditions, safeguards and limitations of time and use, including the continued existence of any particular structure, but excluding any condition, safeguard, or limitation based upon the continued ownership of the land, building or structure to which the variance pertains by the petitioner or appellant.

(f) **Exercise.**

The rights authorized by a variance shall lapse and must be reestablished by filing a new petition for such variance under the same process as the original petition and including a new notice, hearing, and findings, if not exercised within one year after the date on which the board issues such variance. The board may extend this time period for up to six months, if the owner of the land, building or structure to which the variance pertains applies to the board for such extension prior to the expiration of the one year period. The board shall have thirty days after the application has been filed to decide whether to extend the original one year period. Any appeal shall stay the running of these time periods.

## ARTICLE X ENFORCEMENT

### Sec. 29-35. Duties of the Building Commissioner.

- (a) The duty of administering and enforcing the provisions of this ordinance is hereby conferred upon the building commissioner.
- (b) The building commissioner is hereby given the duty, power and authority to enforce the provisions of this ordinance. He shall examine all applications for permits, issue permits for the construction, alteration, enlargement and occupancy of all uses, buildings or structures which are in accordance with the requirements of this ordinance.
- (c) He shall make such reports to the board of appeals and the planning board as they may request.

### Sec. 29-36. Building Permit.

- (a) **Purpose.**  
To ensure compliance with the provisions of this ordinance, no person shall erect, alter, move or convert any structure or building, or part thereof, subsequent to the adoption of this ordinance, until a building permit has been issued by the building commissioner.
- (b) **Applications.**  
All applications for building permits shall be accompanied by a plot plan in duplicate, drawn to scale, showing the actual dimensions of each lot to be built upon, the size and location of each building to be erected upon each lot, and such other information as may be necessary to enable the building commissioner to determine that the proposed building, structure and use of land will conform to the provisions of this ordinance. A record of such application and plot plan shall be kept in the office of the building commissioner.
- (c) **Issuance of permits.**  
It shall be the duty of the building commissioner to issue a building permit within thirty days, provided he is satisfied that the structure, building, sign, parking area, and the proposed use conforms with all requirements of this ordinance, and that all other reviews and actions, if any, called for in this ordinance have been complied with and all necessary approvals secured therefor. All building permits shall be issued in duplicate and one copy shall be kept conspicuously on the premises affected and protected from the weather whenever construction work is being performed thereon. No owner, contractor, worker, or other person shall perform any building operation of any kind unless a building permit covering such operation has been displayed as required by this ordinance, nor shall they perform building operations of any kind after notification of the revocation of the building permit.
- (d) **Denial of permits.**  
When the building commissioner is not satisfied that the applicant's proposed development will meet the requirements of this ordinance, he shall refuse to issue a building permit in writing within thirty days and the applicant may appeal to the board of appeals for a reversal of the building commissioner's decision.

(e) **Revocation of permits.**

If it shall appear, at any time, to the building commissioner that the application or accompanying plan is in any respect false or misleading, or that work is being done upon the premises differing materially from that called for in the application filed with him under existing laws or ordinances, he may forthwith revoke the building permit, whereupon it shall be the duty of the person holding the same to surrender it and all copies thereof to the building commissioner.

**Sec. 29-37. Certificate of Occupancy.**

- (a) Upon application to the building commissioner, a certificate of occupancy shall be issued after completion of a building or structure prior to occupancy, and after such building or structure is provided with a street number which must be affixed thereon. No such certificate of occupancy shall be issued until such time as the building commissioner has inspected the building or structure to ensure compliance with all requirements of this ordinance.
- (b) A certificate of occupancy for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building or structure, shall be applied for and issued before any such land shall be occupied, or used, or such land, building, or structure changed in use, and such certificate shall be issued within thirty days after application has been made; provided, that such proposed use is in conformity with the provisions of this ordinance.
- (c) A record of all certificates of occupancy shall be kept on file in the office of the building commissioner and a copy shall be furnished on request to any person having an actual or potential proprietary or tenancy interest in the building or land affected.
- (d) The building commissioner shall complete the inspection to ensure that the use or construction complies with this ordinance as provided under subsection (a) within no more than three days prior to issuance of the certificate of occupancy.
- (e) The inspections required under this section may be carried out by local building inspectors when authorized by the building commissioner.

**Sec. 29-38. Applicability of Ordinance to Certain Situations.**

- (a) All buildings, structures or uses, the building or special permits for which have been issued prior to the passage of this ordinance or any amendments hereto and prior to the first public hearing notice by the planning board, concerning amendment of this ordinance, must be completed and used according to the plans approved at the time the permits were issued. Any building or special permit issued after the first public hearing notice by the planning board, concerning amendment of this ordinance, must comply with such amendment from the time of such publication. However, if such amendment is not adopted by the City Council, the zoning in effect prior to the proposed amendment shall apply.
- (b) Construction or operations under a building or special permit shall conform to any subsequent amendment of this ordinance unless the use or construction is commenced within no more than six months after the issuance of the permit, and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.



- (c) Nonconforming uses, buildings or structures not used for two years or more shall not be re-established after the expiration of such two years.
- (d) When a preliminary plan has been submitted to the planning board and written notice of the submission of such plan has been given to the city clerk, the land shown on such preliminary plan and on the definitive plan evolved therefrom, if such plan is filed within 7 months of the preliminary plan, or in the absence of a preliminary plan, the land shown on a definitive plan submitted under the provisions of the subdivision control law, shall be governed by the zoning ordinance in effect at the time of the submission of the plan first submitted while such plan or plans are being processed under the subdivision control law; and, if such definitive plan becomes approved, or is disapproved and thereafter amended and duly approved, the provisions of the ordinance in effect at the time of the submission of the first submitted plan shall govern the land shown on such approved definitive plan for a period consistent with the provisions of the General Laws, Chapter 40A.
- (e) In the case of decimals during the formulation of parking requirements, etc., all decimals shall be rounded to the higher rather than to the lower whole number.

**Sec. 29-39. Penalty.**

Any person violating any of the provisions of this ordinance shall for each violation, upon conviction thereof, pay a penalty of not more than three hundred dollars. Each day of the violation shall constitute a separate offense.

**Sec. 29-40. Certificate of Compliance; Excess Dwelling Units.**

The owner of a building which contains a number of dwelling units in excess of the number permitted by this ordinance may, if said nonconforming use has been in existence for an uninterrupted period in excess of ten (10) years without a notice of violation being issued by the building commissioner, apply for a Certificate of Compliance which, when executed by the building commissioner and recorded in the Registry of Deeds, shall establish the premises as a valid nonconforming use with respect to the number of units contained therein.

Prior to the issuance of such a certificate, the building commissioner shall be required to inspect the premises and certify that it complies with all applicable building codes, and is in a safe condition. The applicant shall also provide the building commissioner with a written report of the City's code enforcement department indicating that the premises are in full compliance with the State Sanitary Code; with all local health code regulations; and that the applicant has paid all taxes, water and sewer bills and other assessments owed to the City, whether on the property which is the subject of the certificate, or any other property owned by the applicant. No Certificate of Compliance shall be issued by the building commissioner unless and until the premises are in full compliance with the said codes and regulations.

The applicant shall be required to pay an application fee of One Hundred Fifty (\$150.00) Dollars for said certificate and shall also pay the fee for recording the same with the Registry of Deeds.

## ARTICLE XI

### CHANGES AND AMENDMENTS

#### Sec. 29-41. Procedure.

(a) **Filing.**

Subject to the provisions of General Laws, Chapter 40A, the City Council may amend this ordinance by amending the text thereof, or any district boundary on the zoning map, provided proceedings for any amendment shall be initiated in one of the following ways:

- (1) By the adoption by the City Council of a resolution of intention to amend; or
- (2) By the adoption by the planning board of a resolution of proposal to amend, to be filed with the City Council; or
- (3) By the filing with the City Council of a petition by an owner of real property to be affected by change or adoption, by the board of appeals, by ten registered voters in a City, or by the Merrimack Valley Regional Planning Commission.

(b) **Referral to planning board.**

The City Council shall refer any such resolution or petition to the planning board for review within fourteen days of receipt.

(c) **Hearing.**

Within sixty-five days after receipt of a resolution or petition by the planning board, the planning board and the City Council or committee designated by the City Council to hold a hearing shall hold a public hearing, together or separately, on such proposal as provided by General Laws, Chapter 40A.

(d) **Planning board report.**

The planning board shall within twenty-one days after such hearing, report its recommendations to the City Council with respect to the proposed amendment. If it recommends its adoption, it shall state fully its reasons for such recommendation, describing those changes in conditions which, in its estimation, warrant the amendment and showing how, in its estimation, the proposed amendment meets the purposes of the zoning ordinance as set forth therein.

(e) **Voting.**

The City Council shall vote on any proposal by a two-third's vote of all members of the City Council, unless a protest is filed which shall require a three-fourth's vote of all members, within ninety days after the City Council hearing.

(f) **Disapproval.**

If any amendment is disapproved by the City Council, no resolution or petition for substantially the same amendment shall be received by the City Council within a period of two years from and after the date of such disapproval unless such proposal is recommended by the planning board in its final report.

(g) **Withdrawal.**

Any petition for amendment may be withdrawn at any time by the filing of a petition of withdrawal by the party who signed the original petition, at any time before vote of City Council.

(h) **Effective date.**

Any proposal adopted by City Council shall be effective on the date of the City Council vote.

(i) **Publication.**

Upon adoption, a copy of the change or amendment shall be sent by the city clerk to the Department of Community Affairs and to the Lawrence Building Commissioner, Lawrence Planning Board, and Lawrence Zoning Board of Appeals, and the proposal shall be published in a newspaper or published and posted in summary form including a notice of the statute of limitations on procedural defects, all as provided under the General Laws, Chapter 40 and Chapter 40A, Sections 32A and 32B, and the City of Lawrence Charter.

**Sec. 29-42. Authority of the Department of Planning and Community Development.**

The Department of Planning and Community Development shall assist the various boards and officials in carrying out their responsibilities under this ordinance and shall provide technical assistance; and to the extent authorized by law, such boards and officials may delegate certain of their powers and duties to the Department of Planning and Community Development, and such delegated powers and duties shall be carried out by the Director of the Department of Planning and Community Development or by the Director's designee.

## ARTICLE XII MISCELLANEOUS

### Sec. 29-43. Severability.

If any Section, subsection, sentence, clause, phrase or other part of this ordinance is for any reason held by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

REVISED  
11-5-03

ADOPTED BY THE LAWRENCE CITYCOUNCIL  
ON DECEMBER 7, 1993

AMENDMENT

To be adopted as part of the March 5, 1991 Revised Zoning Map of the City of Lawrence.

Rezone an area currently comprised of the following properties:

9-11 Loring St., Lawrence, MA 01843

15-17 Loring St., Lawrence, MA 01843

21-23 Loring St., Lawrence, MA 01843

91-93 Greenfield St., Lawrence, MA 01843

95-97 Greenfield St., Lawrence, MA 01843

A portion of 114 Market St., Lawrence, MA 01843

A portion of 14 Osgood St., Lawrence, MA 01843

Also known as Lots #s 1,2, and a portion of 3, a portion of 4,7,8, and 9 of the Real Estate Assessors Map #64.

The amended zoning is from a B-1, Local Business District to a R-2 Residence District.

AMENDMENT TO ZONING MAP DECEMBER 6, 1994 (continued)

Said parcel contains 6.7536 acres and is shown on a plan entitled "Plan of Land, Located in Lawrence, Massachusetts, Prepared for Connecticut Innkeepers, Inc. by Cyr Engineering Services, Inc." recorded with the North Essex District Registry of Deeds as Plan No. 10001.

Subject to water and sewer pipes and easements as shown on said plan, and also subject to any other easements and restrictions of record, insofar as the same are now in force and applicable.

The grantor acknowledges that the portion of Incinerator Road shown on said plan as abandoned was abandoned by vote of the Lawrence City Council taken on May 14, 1985.

The amended zoning is from B-3, Main Business District, to I-3, Limited Industrial District.

ADOPTED BY THE LAWRENCE CITY COUNCIL ON DECEMBER 6, 1994

## AMENDMENT

To be adopted as part of the March 5, 1991 Revised Zoning Map of the City of Lawrence. By rezoning an area described as follows:

An area generally bounded by Marston Street, Training School Road, and Interstate 495, formerly known as the Bessie Burke Memorial Hospital, also described as Assessor's Map 30 Parcel 43.

Specifically described as follows:

a certain tract of land  
situated in Lawrence, Essex County, Massachusetts,  
and bounded and described as follows:

Beginning at the Northwest corner of the described premises at a point on the easterly sideline of Marston Street at the southerly sideline of Training School Road, thence running by Training School Road N 65° 56' 02" E, 10.68' (Ten and 68/100 feet) to an angle point in the street, thence turning and running again by Training School Road S 77° 17' 50" E, 548.43' (Five Hundred Forty Eight and 43/100 feet) to a Massachusetts Highway Round (M.H.B.) at land owned by the Commonwealth of Massachusetts and known as Interstate Route 495, thence turning and running by the Highway S 00° 49' 05" W, 340.12' (Three Hundred Forty and 12/100 feet) to a M.H.B. at a point of curvature, thence running by a curve having a radius of 1120.00' (One Thousand One Hundred Twenty and 00/100 feet), 215.40' (Two Hundred Fifteen and 40/100 feet) to a M.H.B. at a point of concentric curvature, thence running by a curve having a radius of 520.00' (Five Hundred Twenty and 00/100 feet), 164.67' (Three Hundred Sixty Four and 67/100 feet) to a M.H.B., thence turning and running N 04° 44' 24" W, 201.06' (Two Hundred One and 06/100 feet) to a M.H.B. at an angle point, thence turning and running N 82° 01' 26" W, 11.58' (Thirty One and 58/100 feet) to a M.H.B. at a point on the Easterly sideline of Marston Street, the last four courses being by land owned by the Commonwealth of Massachusetts, thence turning and running by Marston Street N 05° 37' 09" W, 267.00' (Two Hundred Sixty Seven and 00/100 feet) to a M.H.B. at an angle point in the street, thence turning and running again by Marston Street N 16° 24' 44" W, 323.45' (Three Hundred Twenty Three and 45/100 feet) to a copper bolt at an angle point; thence turning and running by Marston Street N 23° 47' 41" W 153.11' (One Hundred Fifty Three and 11/100 feet) to the point of beginning.

(continued on next page)

ADOPTED BY THE LAWRENCE CITY COUNCIL ON MAY 16, 1995  
(Doc. 357/94)

#### AMENDMENT

To be adopted as part of the March 5, 1991 Revised Zoning Map of the City of Lawrence. By rezoning an area described as follows:

The property generally bounded by South Union Street, Marlboro Street, and Colonial Road in Lawrence, MA, specifically consisting of assessor's map 76 lot 50, assessor's map 76 lot 51, assessor's map 56 lot 53 (all n/f Mark-Lang Realty Trust, Manny Hajj, trustee); assessor's map 76 lot 52 (n/f Lupine Realty Trust, David A. Hawkins, trustee); and an adjacent 50' by 50' portion of assessor's map 57 lot 1A (n/f City of Lawrence) beginning at a point at the southwest corner n/f Reitano and running west 50' +/-, then turning approx. 90° and running south 50' +/-, then turning approx. 90° and running east 50' +/-, then turning approx. 90° and running 50' +/- to the point of beginning.

The amended zoning is from a combination of zoning districts including B-1 (local business district), R-1A, (residence district), and I-2 (general industrial district) to B-1 (local business district).

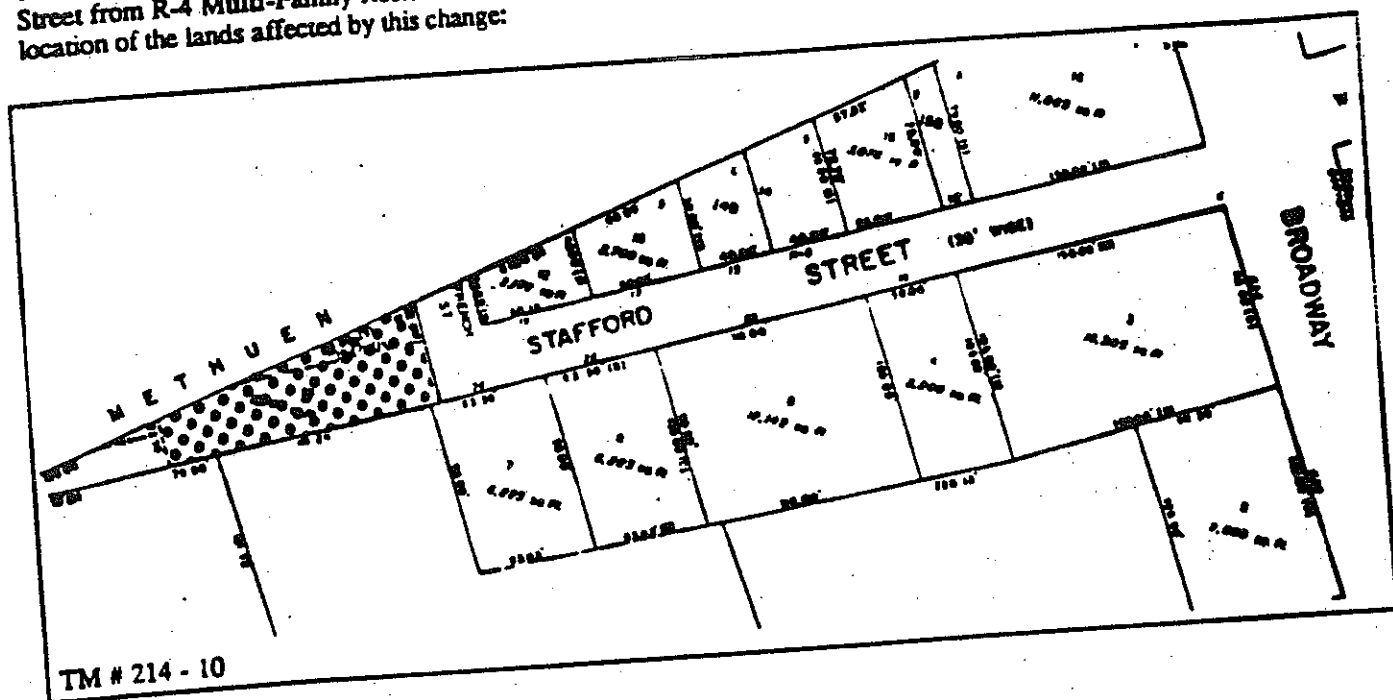


LAWRENCE REVISED ZONING ORDINANCE

THE LAWRENCE CITY COUNCIL ADOPTED THE FOLLOWING  
ZONING MAP AMENDMENT ON MARCH 19, 1996.

Document # 1996-45

THE LAWRENCE ZONING MAP be amended by changing a section of the parcel known as TM # 214-10: that certain parcel of land consisting of a portion of Stafford Street and that certain adjacent parcel situated on the westerly side of French Street from R-4 Multi-Family Residential District to a I-2 General Industrial District. The map below illustrates the location of the lands affected by this change:



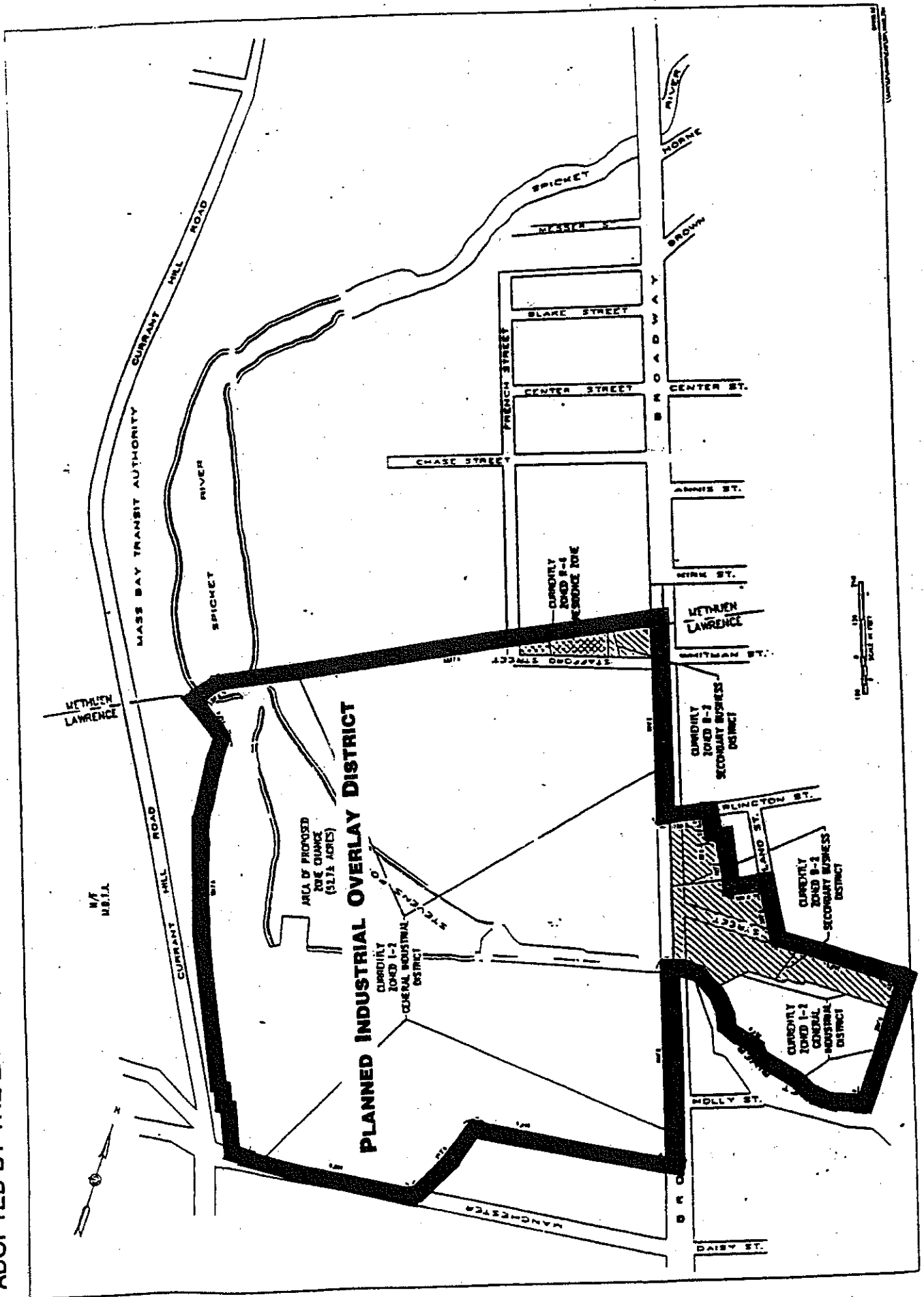
A legal description of the lands involved in this zoning change follows:

Certain parcel of land consisting of a portion of Stafford Street and that certain parcel of land adjacent thereto situated on the westerly side of French Street in the City of Lawrence, County of Essex (North), Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point in the westerly line of French Street at the Methuen Town Line; thence  
 S 18°27'00"E a distance of sixty-one and one hundredths feet (61.01') to a point in the southerly line of  
 Stafford Street; thence  
 S 74°26'00"W a distance of one and twenty-five hundredths feet (1.25') to a point; thence  
 S 76°09'00"W a distance of one hundred fifty-one and twenty-five hundredths feet (151.25') to a point; thence  
 N 18°27'00"W a distance of twenty-nine and thirty-eight hundredths feet (29.38') to the Methuen Town Line,  
 the previous three (3) courses bounding along the southerly and westerly line of said Stafford  
 Street; thence  
 N 64°15'07"E a distance of one hundred fifty-three and twenty-five hundredths feet (153.25') along the Methuen  
 Town Line to the point of beginning.

*James McGrahey*  
 James McGrahey  
 City Clerk

ADOPTED BY THE LAWRENCE CITY COUNCIL ON JULY 16, 1996



### MAP AMENDMENT

Be it ordained that the City of Lawrence Zoning Map be amended by changing the zoning designation of the following parcels of land located near the intersection of Interstate Highway 495 and State Route 114:

Tax Parcel 1-1  
Tax Parcel 1-2  
Tax Parcel 2-1  
Tax Parcel 2-1A  
Tax Parcel 18-1  
Tax Parcel 18-2  
Tax Parcel 18-3  
Tax Parcel 18-4  
Tax Parcel 19-1  
Tax Parcel 19-2  
Tax Parcel 19-3  
Tax Parcel 19-5  
Tax Parcel 19-5A  
Tax Parcel 19-6.

The amended zoning is from B-1, Local Business District, or R-4, Residence District, to HA, Highway Access District.

ADOPTED 4/15/97

Interstate

495

Andover

Den Rock Park

North Andover

Whisper Avenue

Peewee Road

PROPERTY OWNED BY  
Mass. DPW  
Intersecting at  
Intersecting at

PROPERTY OWNED BY  
Albion Capital  
Intersecting at  
Intersecting at

PROPERTY OWNED BY  
Kearney  
Intersecting at  
Intersecting at

PROPERTY OWNED BY  
Bobby Bonifant  
Intersecting at  
Intersecting at

PROPERTY OWNED BY  
Chaff  
Intersecting at  
Intersecting at

PROPERTY OWNED BY  
Mortuary Inc.  
Intersecting at  
Intersecting at

PROPERTY OWNED BY  
Cherry Coast  
Intersecting at

PROPERTY OWNED BY  
Greenhouse Inc.  
Intersecting at

PROPERTY OWNED BY  
Right-of-Way  
Intersecting at

PROPERTY OWNED BY  
Fidelity's  
Intersecting at  
Intersecting at

PROPERTY OWNED BY  
Management Inc.  
Intersecting at  
Intersecting at

PROPERTY OWNED BY  
Pine Hill  
Intersecting at  
Intersecting at

Legend



Lands to be Removed  
Highway Access

Highway Access  
Zoning District

Scale 1" = 100' 0" North

THE LAWRENCE CITY COUNCIL ADOPTED THE FOLLOWING  
ZONING TEXT AMENDMENT ON MARCH 17, 1998.

DOCUMENT # 37 - 1998

1. The Lawrence City Council revised §29-17(n) of the dimensional regulations by adding of the condition below (bold face type) to the existing text.

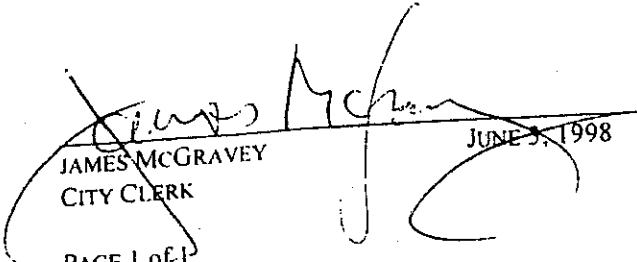
(n) Highway Access District

Business uses in the HA District shall comply with the dimensional requirements set forth in Table 3 for the B-1 District, and residential uses in the HA district shall comply with the dimensional requirements set forth in Table 2 for the R-4 district, except that for parcels within 1000 feet of an Interstate Highway interchange, the lot area requirements for dwelling units shall be 1,750 square feet per dwelling unit. For purposes of this subsection, an Interstate Highway interchange shall be the nearest point where the right-of-way widens to greater than one hundred (100) feet.

2. The City Council revised §29-7 by adding a new sub-section §29-9(d) which appears below.

§29-7 (d) Minimum distance or radius separation between uses.

For purposes of determining the minimum distance or radius separation between uses, the measurement shall be made in a straight line without regard to intervening obstacles from the nearest property line bounding the established use to the nearest property line of the subject parcel.

  
JAMES MCGRAVEY  
CITY CLERK

JUNE 3, 1998

**THE LAWRENCE CITY COUNCIL ADOPTED THE FOLLOWING  
ZONING TEXT AMENDMENT ON APRIL 14, 1998.**

DOCUMENT # 45 - 1998

1. The Lawrence City Council revised the definitions section of the code, §29-4, by adding of the following definitions which appear in alphabetical order:

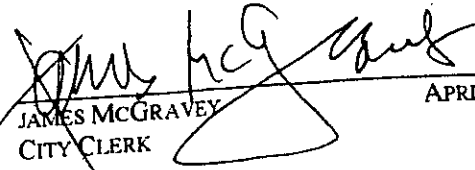
**Automobile or other vehicle sales, new** -- the storage of new automobiles for sale and accessory sale of used vehicles, so long as such accessory sale of used vehicles does not take up more than 50% of the developed lot area, but not to include outdoor storage or sale of construction equipment, junked vehicles, inoperable vehicles or any vehicle not capable of passing a safety inspection approved by the Registry of Motor Vehicles.

**Automobile or other vehicle sales, used** -- the storage for sale of vehicles in operable condition, but not to include the storage or sale of construction equipment, junked vehicles, inoperable vehicles or any vehicle not capable of passing a safety inspection approved by the Registry of Motor Vehicles.

2. The City Council revised the Prohibited Uses section of the code, §29-9(d), by striking the reference to uses cars as a prohibited use. The text of §29-9(d) is printed below with applicable words stricken.

**§29-9(d) Prohibited Uses.**

(d) **Prohibited uses.** The following uses are prohibited in all zoning districts: billboards, junkyards, mobile homes, commercial hazardous waste and infectious waste disposal and transfer facilities, except such facilities as defined in Section 150A of Massachusetts General Laws, Chapter 111 which have received a site assignment pursuant to said Section 150A and where all permits and licenses required by law have been issued to the proposed operator of the facility, ~~used car lots except that used vehicle sales shall be permitted as an accessory use to new vehicle sales in I-2 districts and shall be permitted as an accessory use as a consequence of a special permit in I-2 districts [amended 1/3/95]~~, the conduct of the business of removing soil, loam, sand, gravel or quarrying except where incidental to on-site construction, and an outdoor drive-in theater. Removal of soil, loam, sand, gravel or quarrying incidental to on-site construction shall mean foundation excavation and grading necessary for the construction of a building or structure on a lot, but shall not include removal of earth materials from such lot. Abandoned and unregistered vehicles shall be prohibited in all districts, except that one operable unregistered vehicle shall be permitted on a lot if a permit for the storage of the unregistered vehicle has been issued by the building commissioner, upon application by the owner of the lot and the owner of the vehicle in accordance with the provisions of Section 20-29 of the Revised Ordinances of the City of Lawrence. [amended 6/17/97] All commercial vehicles which are longer than 24 feet, greater than 2 tons, or are 16-wheel vehicles shall be prohibited in residential districts. Massage parlors as either primary or accessory use are prohibited. [ADULT USE PROHIBITION DELETED amended 12/7/93] Mobile homes are forbidden except for a temporary mobile home (see Section 29-23 vv).

  
JAMES MCGRAVEY  
CITY CLERK

APRIL 16, 1998

DOCUMENT # 45 - 1998 CONTINUED  
ADOPTED APRIL 14, 1998

3. City Council changed the Use Table of the code, §29-11B, revising "Automobile or other vehicle sales, and service, used" by striking the words "and service," adding special permit review conditions (§ 29-23 aaa), and revising the use chart to allow used car sales in the HA District by special permit issued by the Board of Appeals, SPSR. Used cars remains a prohibited use in all other districts of the City. The former and revised portion of the Use Table are reprinted below.

### Former Use Table

USE	DISTRICT										
	OSR	R-1 R-1A	R-2 R-2A	R-3 R-4	HA	B-1	B-2	B-3	I-1	I-2	I-3
Automobile or other vehicle sales, and service, new (§ 29-23 ee), 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. [1/3/95]	NO	NO	NO	NO	NO	NO	NO	NO	NO	SPSR	P
Automobile or other vehicle sales, and service, used	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Awnings & Canopies (§ 29-23 tt)	NO	P	P	P	P	P	P	P	P	P	P

### Revised Use Table

USE	DISTRICT										
	OSR	R-1 R-1A	R-2 R-2A	R-3 R-4	HA	B-1	B-2	B-3	I-1	I-2	I-3
Automobile or other vehicle sales, and service, new (§ 29-23 ee), 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. [1/3/95]	NO	NO	NO	NO	NO	NO	NO	NO	NO	SPSR	P
Automobile or other vehicle sales, and service, used (§ 29-23 aaa)	NO	NO	NO	NO	SPSR	NO	NO	NO	NO	NO	NO
Awnings & Canopies (§ 29-23 tt)	NO	P	P	P	P	P	P	P	P	P	P

JAMES MCGRAVEY  
CITY CLERK

APRIL 16, 1998

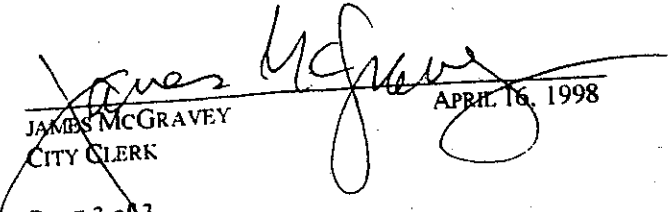
LAWRENCE REVISED ZONING ORDINANCE

DOCUMENT # 45 - 1998 CONTINUED  
ADOPTED APRIL 14, 1998

4. City Council revised General and Specific Provisions for special permits, §29-23, by adding specific provisions for used car sales, §29-23(aaa) as follows:

**§29-23 (aaa) Used Automobile or other vehicle sales.**

- (1) Adequate driveways and maneuvering room are provided for showroom access without obstructing sidewalks and curbing.
- (2) Surface display lots are to be hard surfaced with proper drainage and separated from bordering sidewalks by a five foot wide landscaped buffer.
- (3) Advertising signs must conform to the sign code Article VI of Chapter 29, Lawrence City Code. No banners, streamers, wind driven spinning devices, light strings or portable signs are permitted.
- (4) No accessory mechanical repairs or auto body repairs are to be conducted on the site without a Special Permit.

  
JAMES MCGRAVEY  
CITY CLERK

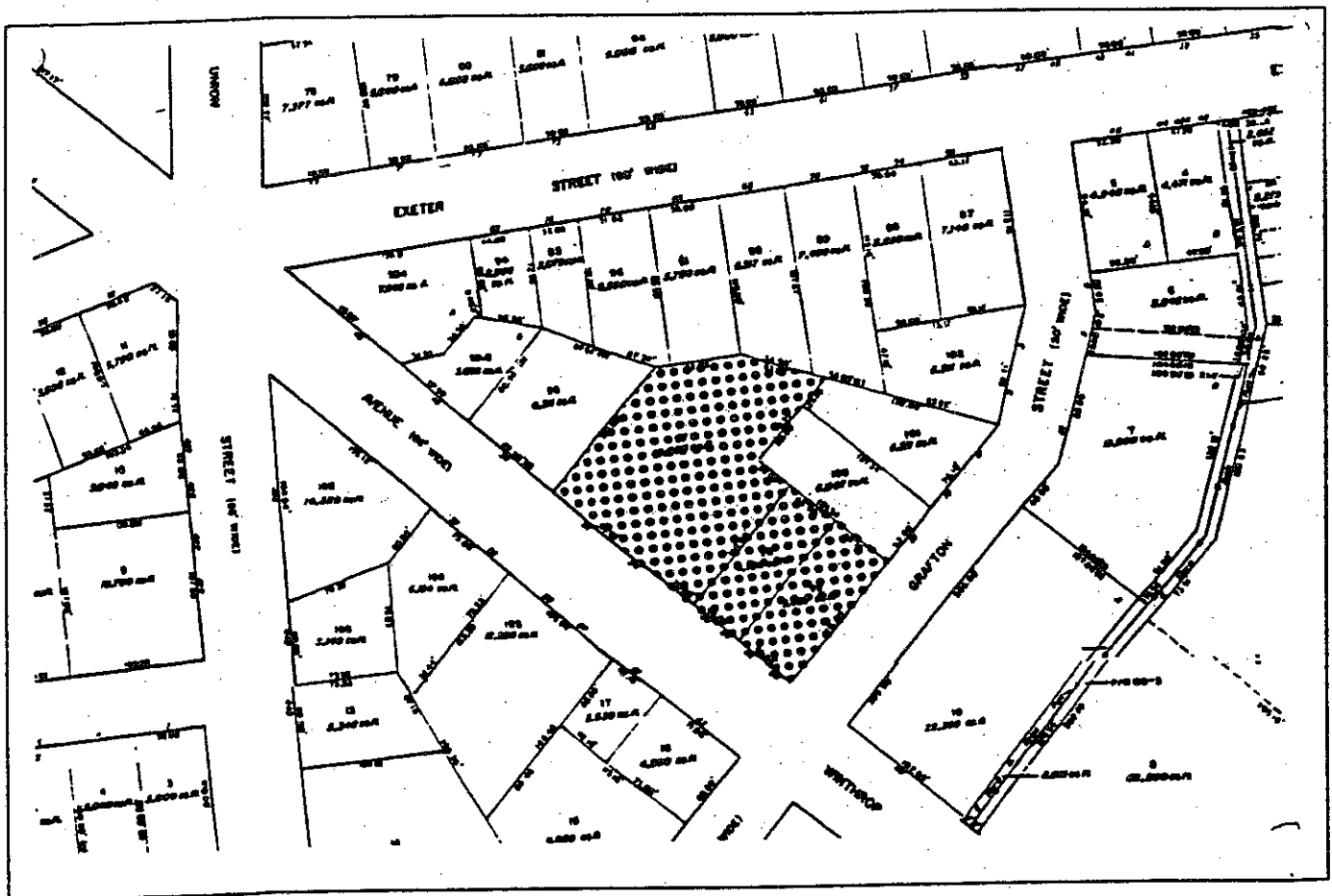
APRIL 16, 1998



**THE LAWRENCE CITY COUNCIL ADOPTED THE FOLLOWING  
ZONING MAP AMENDMENT ON NOVEMBER 4, 1998.**

DOCUMENT # 214 - 1998

*The Lawrence City Council amended the City's zoning map by changing the zoning of: the three lots at 52-66 Winthrop Avenue (Tax Map # 79, Parcels 97, 98 and 99) from residential to commercial. The parcels are owned by Chester Pawlik, Jr. and are currently zoned R-2 Residential. The zoning map is hereby changed to show these three parcels, at the corner of Winthrop Avenue and Grafton Street, are in a B-1 Business District.*



*James McGrahey*  
JAMES MCGRAHEY  
CITY CLERK

MAY 10, 1999

**THE LAWRENCE CITY COUNCIL ADOPTED THE FOLLOWING  
ZONING TEXT AMENDMENT ON APRIL 20, 1999.**

DOCUMENT # 34 - 1999

*The Lawrence City Council amended the Sign Code, Article VI of the Zoning Code, by adding §29-20(h)(5) as follows:*

- (5) Where a proposed sign has a plastic or translucent canvas face or has a sign cabinet or frame that would permit the subsequent installation of electrical devices to create interior illumination, the building inspector shall not give a permit for the installation of such sign without the prior granting of a special permit for interior illumination by the Planning Board. The building inspector is prohibited from using any discretion in the enforcement this provision and shall not accept any waivers from owners requesting the temporary installation of such signs pending subsequent approval the sign by the Planning Board.

  
JAMES MCGRAVEY  
CITY CLERK

MAY 10 1999

**THE LAWRENCE CITY COUNCIL ADOPTED THE FOLLOWING  
ZONING TEXT AMENDMENT ON JUNE 1, 1999.**

DOCUMENT # 33 - 1999

*The Lawrence City Council amended Article V of the Zoning Code, adopting a new Table 2, Schedule of Dimensional Requirements for Residential Districts §29-15 as follows:*

**TABLE 2  
Schedule of Dimensional Requirements Within Residential Districts**

<i>All items listed below are identified as to Maximum (Max.) or Minimum (Min.) for requirement imposed</i>	<b>R-1/R-1A</b>	<b>R-2/R-2A</b>	<b>R-3/R-4</b>
<b>Lot area</b> (Min. in sq. ft.)	10,000	10,000	10,000
<b>Lot area per dwelling unit</b> (Min. in sq. ft.)	10,000	5,000	5,000
<b>Lot frontage or width</b> (Min. in feet)	70	70	70
<b>Yards</b> (Min. in feet)			
• Front	25	20	15
• Side	12	12	12
• Rear	20	20	20
<b>Lot coverage</b> (Max. in %)*			
• Dwelling	30	15	15
• All buildings	40	40	40
• Open space (Min. in %)	35	35	35
<b>Height of structures</b> (Max. in feet)**			
• Stories	2 ½	2 ½	3
• Feet	35	35	45

\* The maximum coverage of the lot with buildings, structures and pavement shall be 65%.

\*\* The maximum height of a church, school, or federal, state or municipal building shall be forty-five feet, exclusive of spires, steeples, and the like, which shall not be more than two-thirds the height of the building or structure on which they are located.

(CONTINUED)

JAMES MCGRAVEY  
CITY CLERK

JUNE 23, 1999

The previous Table 2, Schedule of Dimensional Requirements for Residential Districts, §29-15 was superseded:

**TABLE 2**  
**Schedule of Dimensional Requirements Within Residential Districts**

All items listed below are identified as to Maximum (Max.) or Minimum (Min.) for requirement imposed	R-1	R-1A	R-2	R-2A	R-3	R-4
Lot area (Min. in sq. ft.)	7,000	6,500	6,000	5,500	5,000	5,000
Lot area per dwelling unit (Min. in sq. ft.)	7,000	6,500	5,000	5,000	2,500	2,500
Lot frontage or width (Min. in feet)	70	65	60	55	50	50
Yards (Min. in feet)						
• Front	25	20	20	20	15	15
• Side	10	10	10	10	10	10
• Rear	20	15	15	10	10	10
Lot coverage (Max. in %) *						
• Dwelling	30	15	15	15	15	40
• All buildings	40	40	40	40	40	50
• Open space (Min. in %)	35	35	35	35	35	35
Height of structures (Max. in feet) **						
• Stories	2-1/2	2-1/2	2-1/2	2-1/2	3	6
• Feet	35	35	35	35	45	70

\* The maximum coverage of the lot with buildings, structures and pavement shall be 65%.

\*\* The maximum height of a church, school, or federal, state or municipal building shall be forty-five feet, exclusive of spires, steeples, and the like, which shall not be more than two-thirds the height of the building or structure on which they are located.

JAMES MCGRAVEY  
CITY CLERK

JUNE 23, 1999

**THE LAWRENCE CITY COUNCIL ADOPTED THE FOLLOWING  
ZONING TEXT AMENDMENT ON JULY 6, 1999.**

DOCUMENT # 101 - 1999

*The Lawrence City Council reassigned the section numbers for certain sections of §29-20, Sign Regulations, such that §29-20(a) is reassigned as §29-20(b); §29-20(b) is reassigned as §29-20(c); §29-20(c) is reassigned as §29-20(d); §29-20(d) is reassigned as §29-20(a).*

*The Lawrence City Council then deleted the text of former §29-20(d), set forth below:*

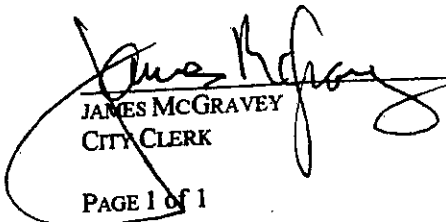
**(d) General Requirements.**

The following requirements shall be complied with for all signs, and/of awning/canopy signs permitted by right or special permit. Any derogation from these requirements requires a special permit by the Planning Board.

*The Lawrence City Council then replaced the above text with the text below, which became the new §29-20(a):*

**"(a) General Requirements for all Signs and all changes to Existing Signs.**

The requirements set forth in §29-20, Sign Regulations, shall be complied with for all signs, and/or awning/canopy signs permitted by right or special permit. All signs, in any district, that are not permitted by right, §29-20 (d), will be reviewed by the Planning Board, as the City's special permit granting authority. Any derogation from the permitted by right requirements for signs and any change to an existing non-conforming, non-complying or illegal sign will require a special permit by the Planning Board, rather than the Zoning Board of Appeals."

  
JAMES MCGRAVEY  
CITY CLERK

SEPTEMBER 16, 1999

LAWRENCE REVISED ZONING ORDINANCE

**THE LAWRENCE CITY COUNCIL ADOPTED THE FOLLOWING  
ZONING TEXT AMENDMENT ON AUGUST 4, 1999.**

DOCUMENT # 96 - 1999

*The Lawrence City Council amended Article V of the Zoning Code, by adding the Pawns Shops to the USE TABLE, §29-11B:*

The Use Table, §29-11B, would need to be changed by adding Pawn Shops as a listed use:

USE	DISTRICT										
	OSR	R-1 R-1A	R-2 R-2A	R-3 R-4	HA	B-1	B-2	B-3	I-1	I-2	I-3
Pawn Shops (§ 29-23 bbb)	NO	NO	NO	NO	NO	SPSR	SPSR	SPSR	NO	SPSR	NO

*The Lawrence City Council also amended Article V of the Zoning Code, by adding the Special permit requirements for Pawns Shops to §29-23 by adding §29-23 (bbb):*

**"(bbb) Pawn Shops**

- (1) Pawns Shops are required to obtain a special licensing permit issued by Lawrence's City Council as required by the city code and M.G.L. ch. 140, §§ 70-85 and 202-205.
- (2) Pawn Shops are to be operated as a separate retail businesses and not located in self-storage facilities, salvage yards or junk yards.
- (3) All goods must be stored within an enclosed building. "

  
JAMES MCGRAVEY  
CITY CLERK

SEPTEMBER 16, 1999

ADOPTED BY THE LAWRENCE CITY COUNCIL ON JANUARY 2, 2001  
(Doc. 265/2000)


**AMENDMENT**

To be adopted as part of the March 5, 1991 Revised Zoning Map of the City of Lawrence by rezoning an area by extending the R-1 zoning district into the B-1 zoning district in the following parcels, commonly known as 101-103 Beacon St.

Tax map 154  
Lot 3  
Lot 4  
Lot 5

Tax map 155  
Lot 1

The Zoning Map is amended by changing those portions of the zoning designations of the above referenced tax parcels from Business (B-1) to Residential R-1, such that the entirety of each and all of said parcels are to be zoned R-1, Residential.

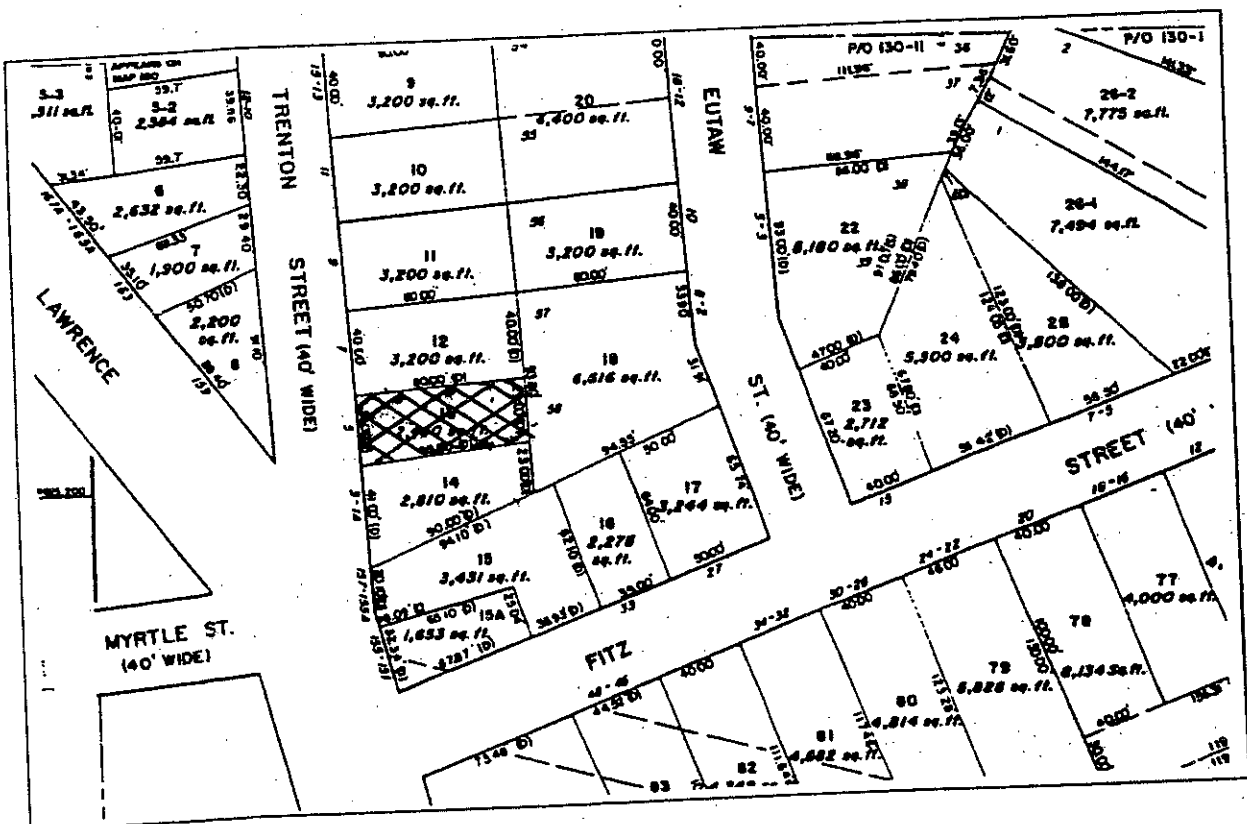
  
James McGravey, City Clerk

1/23/01  
Date

THE LAWRENCE CITY COUNCIL ADOPTED THE FOLLOWING  
ZONING MAP AMENDMENT ON JANUARY 2, 2001.

DOCUMENT # 295-2000

*The Lawrence City Council amended the City's zoning map by changing the zoning of:  
the lot located at 5 Trenton Street (Tax Map #129, Parcel 13) from Residential R-4 to  
commercial B-2. The parcel is currently owned by Isaiah Mencia and is zoned R-4  
residential. The zoning map is hereby changed to show this parcel is in a B-2 Business  
District.*



JAMES MCGRAVEY  
CITY CLERK

PAGE 1 OF 1

JANUARY 17, 2001



ADOPTED BY THE LAWRENCE CITY COUNCIL ON JANUARY 22, 2001  
(Doc. 276/2001)

**ZONING TEXT AMENDMENT**

To be adopted as part of Chapter 29 Revised Zoning Ordinance of the City of Lawrence by adding the following to Section 29-11 (B) and adding subsection 29-23 (ccc).

**Sec. 29-11. Use Table.**

**TABLE 1**  
**Schedule of Requirements**

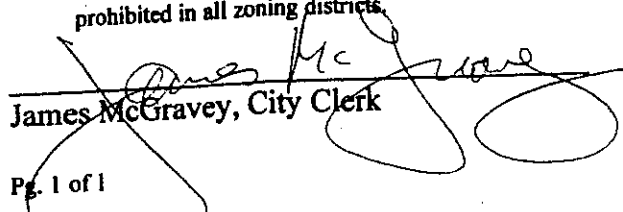
<b>P</b>	Permitted.
<b>PSR</b>	Permitted with site plan review by the Planning Board pursuant to Articles VII and VIII. [4/15/97]
<b>SPSR</b>	Special permit by Board of Appeals with site plan review by the Planning Board pursuant to Articles VII and VIII.
<b>SPSA</b>	Special permit and site plan approval by Planning Board pursuant to Articles VII and VIII.
<b>NO</b>	Prohibited.

USE	DISTRICT											
	OSR	R-1 R-1A	R-2 R-2A	R-3 R-4	HA	B-1	B-2	B-3	I-1	I-2	I-3	
B. Commercial												
Tattooing and Body Piercing Establishment (\$29-23 (ccc) [1/22/01])	NO	NO	NO	NO	NO	NO	NO	NO	NO	SPSR	NO	

Sec. 29-23. General or specific provisions.  
(ccc) Tattooing or Body Piercing Establishment

- (1) No Special Permit for use as a tattoo parlor or establishment or a body piercing establishment or any use involving body markings, demarcations, or non-medical cutting, piercing or surgery of the human body shall be granted for a building or buildings located within:
  - a. 500 feet radius of any residential district.
  - b. 500 feet radius of a school or any other educational institution, a church, or a currently existing or permitted adult bookstore, video store or adult motion picture theater, adult live show, adult entertainment center or other adult use, or an establishment licensed to sell alcoholic beverages under the provisions of Chapter 138, Section 12 MGL, or other tattooing or body piercing establishment.
- (2) No tattooing or body piercing establishment shall be allowed to display for advertisement or other purpose any signs, posters or other like material to the general public on the interior or exterior of the building or, through glass or other like transparent material, any sexually explicit figures or words as defined in Section 31 of Chapter 272 of the MGL.
- (3) Signage shall be subject to the final approval of the Planning Board with regard to signage requiring a special permit.

Nothing contained in this Ordinance shall be interpreted or construed to permit, by right, by Special Permit, or otherwise the operation of any establishment or facility for purposes of engaging in human branding, body burning, scarification or other form(s) of body mutilation, and all such aforementioned uses are expressly prohibited in all zoning districts.

  
James McGravey, City Clerk

1/25/01  
Date

THE LAWRENCE CITY COUNCIL ADOPTED THE FOLLOWING  
ZONING TEXT AMENDMENT ON APRIL 3, 2001.

DOCUMENT # 40-2001

*1. The Lawrence City Council revised the definitions section of the code, Section 29-4, by adding the following definitions which appear in alphabetical order:*

**Body piercing.** The puncturing and penetration of the skin of a member of the public with presterilized single-use needles and the insertion of presterilized jewelry or other adornment into the opening. This definition excludes piercing of the earlobe with a presterilized single-use stud-and-clasp system manufactured exclusively for ear-piercing.

**Branding.** The induction of a pattern of scar tissue by use of a heated material (usually metal) to the skin, making a serious burn, which eventually becomes a scar.

**Tattooing and body piercing establishment.** A location, place, or business, whether public or private, that has been granted a permit by the Board of Health or the City where the practice(s) of tattooing and/or body piercing is/are performed, whether or not for profit.

**Scarification.** The alteration of the skin texture by cutting the skin and controlling the body's healing process in order to produce wounds, which result in permanently raised wheals or bumps known as keloids.

**Tattoo.** The indelible mark, figure or decorative design introduced by insertion of dyes or pigments into or under the subcutaneous portion of the skin.

**Tattooing.** Any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.

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JAMES MCGRAVEY  
CITY CLERK

MAY 2, 2001

THE LAWRENCE CITY COUNCIL ADOPTED THE FOLLOWING  
ZONING TEXT AMENDMENT ON MAY 1, 2001.

DOCUMENT # 379-2000

Amend §29-4, Definitions, by adding the following:

**"Antenna:** Any exterior apparatus, including satellite dishes and receivers, designed for telephonic, radio, television, personal communications services (PCS), pager network, or any electromagnetic waves of any bandwidth. An antenna can either be attached to a tower or attached to a building.

**Tower Height:** The vertical distance from the mean grade (average grade around the perimeter) to (the highest point of the structure.)

**Telecommunications or Wireless Facility:** Any structure, antenna, tower, or other equipment or device(s) intended to receive and/or transmit radio waves for the purpose of providing wireless communications, mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (ESMR), personal communications service (PCS), or common carrier wireless exchange access services. Such facilities shall consist of, but are not limited to, antennae and mounting brackets, guy wires, antenna support structures, electrical equipment in cabinets or enclosed in shelters or other enclosed space, co-axial cables, and back-up power equipment or generators.

**Telecommunications or Wireless Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennae. The term telecommunications tower shall include self-supporting lattice towers, guy towers, monopole towers, radio and television transmission towers, microwave towers, common-carrier towers, cellular phone towers, and the like."

Amend the ordinance by adding a new section 29-17 (o)

**"Sec. 29-17 (o) Telecommunications and wireless facilities**

**(1) Purpose and Intent**

This Article is enacted in order to establish general regulations for the siting of telecommunications and wireless facilities, in all Zoning Districts where permitted, and to enhance and fulfill the following goals:

Preserve the authority of The City of Lawrence to regulate and to provide for reasonable opportunity for the siting of telecommunications facilities.

Reduce adverse impacts such facilities may create, including, but not limited to impacts on aesthetics, environmentally sensitive areas, historically significant locations, flight corridors, health and safety by injurious accidents to personal property, and prosperity through reasonable protection of property values.

Provide for co-location and minimal impact siting options through an assessment of technology, current location options, future available locations, innovative siting techniques, and siting possibilities beyond the political jurisdiction of the City of Lawrence.

Permit the construction of new telecommunications and wireless facilities only when all other reasonable opportunities have been exhausted, and encourage the configuration of new facilities to minimize the adverse visual impact.

Require co-location of antennae, to the highest extent and density possible, in order to reduce the cumulative negative impacts upon the City of Lawrence.

Provide for the removal of abandoned telecommunications and wireless facilities

Preserve the authority of the Building Department of the City of Lawrence to conduct an inventory of existing telecommunications and wireless facilities as necessary.

## **(2) Applicability**

**(a) Amateur Radio, Receive Only Antennae** - This Article shall not govern any tower, or the installation of any antenna that is under 60 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennae. Such antennae are covered under section 29-17 (e) of this ordinance.

**(b) Application Procedure:** Whenever telecommunications or wireless facilities are allowed by Special Permit from the Zoning Board of Appeals, a site plan for the construction of all freestanding telecommunications towers must be submitted to the Planning Board Designee for review.

**(c) Criteria For Consideration:** In addition, to the criteria for consideration specified under Section 29-24 and 29-25 of the Lawrence Revised Zoning Ordinance, the standards and requirements of this Article and the Site Plan Review Regulations shall be considered by the Zoning Board of Appeals and Planning Board Designee for review.

**(d) Submittal Requirements:** In addition to the application materials required under the Site Plan Review Regulations, the applicant for a telecommunications and wireless facility shall provide the following with a Special Permit application:

1. Scaled elevation perspective of the proposed telecommunications and wireless facility and associated structures.
2. Radio frequency coverage for the proposed antenna and for existing antennas that provide coverage to the City of Lawrence and vicinity and which are operated by the applicant.
3. Engineering information detailing the minimum and optimal height and coverage required for the facility.
4. For new telecommunications and wireless towers, information prepared by a qualified and licensed professional engineer documenting the capacity of the telecommunications and wireless facility, which shall include the maximum number of antennae it can support. Towers should be designed to accommodate the maximum number of foreseeable users as is technically practicable.
5. An inventory of existing telecommunications and wireless towers and tall structures, capable of supporting or accommodating telecommunications and wireless facilities, that are within five miles of the proposed facility location, including specific information about the location, height, and design of each telecommunications and wireless facility or structure.
6. Written evidence demonstrating that none of the existing structures or telecommunications and wireless facilities inventoried can accommodate the applicant's proposed antenna. This shall consist of:

A. Substantial evidence that the installation of the proposed antenna and associated equipment would exceed the structural capacity of the existing structures or telecommunications and wireless facilities inventoried, as documented by a qualified and licensed professional engineer, and that the structure or telecommunications and wireless facility cannot, at a reasonable cost, be reinforced, modified, or replaced to accommodate the antenna and equipment.

B. Substantial evidence as approved by the Zoning Board and documented by a qualified and licensed professional engineer, that the proposed antenna and associated equipment would cause interference with existing antenna on the inventoried structures or telecommunications and wireless facilities, or that the antenna already on an existing structure would cause interference with the applicant's proposed antenna.

C. Substantial evidence, as approved by the Zoning Board, that the existing structures or telecommunications and wireless facilities inventoried are not of sufficient height to meet the applicant's engineering requirements and that the structure or telecommunications and wireless facilities cannot, at a reasonable cost, be extended or replaced to meet the required height.

D. Substantial evidence, as approved by the Zoning Board, that the fees, costs, or contractual provisions required by the owner in order to share existing inventoried structures or telecommunications and wireless facilities are unreasonable. One time costs exceeding the costs of a new telecommunications and wireless facility development are presumed to be unreasonable.

E. Substantial evidence, as approved by the Zoning Board, that the applicant can demonstrate other limiting factors that render existing structures or telecommunications and wireless facilities unsuitable.

7. For new telecommunications and wireless facilities, a written commitment from the applicant that allows for the maximum allowance of co-location on the telecommunications and wireless facility. This commitment shall become a Condition of Approval. This commitment shall, at a minimum, require the applicant to supply available co-location for reasonable fees and costs to other telecommunications providers. Failure to provide such a commitment is evidence of the applicant's unwillingness to cooperate with the orderly and well-planned development of the City of Lawrence, and grounds for denial.

8. A visual impact analysis prepared by a qualified professional that includes photosimulations of the proposed telecommunications and wireless facility that, at a minimum simulate the views of the facility from habitable structures on abutting properties and from the closest public roads. In the photo-simulation study the height of the proposed facility must be simulated by the use of a balloon or crane positioned at the proposed facility's height and location.

9. A surety estimate equal to 115% for the cost of the removal of the telecommunications facility. The surety can be in the form of a passbook account, bond, or an irrevocable letter of credit.

10. For new telecommunications and wireless towers, proof that the proposed tower complies with regulations administered by the Federal Aviation Administration (FAA).

*(e) Design and Performance Standards:*

*(1) Telecommunications and Wireless Facility Color:* Telecommunications and wireless facilities shall either maintain a galvanized steel finish, subject to any applicable standards of the Federal Aviation Administration (FAA), or be painted a neutral color as approved by the Zoning Board, so as to reduce visual obtrusiveness. The

Special Permit granting authority must also find that the applicant presented the best option that conceals, disguises, or camouflages the tower and its support structure to reduce its visual impact.

**(2) Design Of Accessory Structures:** The design of accessory structures shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend the telecommunications facility with the natural setting and built environment. All accessory structures shall also be subject to all other Site Plan Review Regulation Requirements.

**(3) Telecommunications or Wireless Facility Lighting:** Telecommunications towers shall not be artificially lit, unless required by the Federal Aviation Administration (FAA) or other applicable authority. If lighting is required, the Planning Board shall review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

**(4) Signs:** Telecommunications and wireless facilities shall not contain any permanent or temporary signs as defined in the Section 29-20 of the Lawrence Zoning Ordinance, writing, symbols, or any graphic representations of any kind, with the exception of safety warning signs or equipment information signs. All signs must be kept to a minimum as approved by the Planning Board.

**(5) Telecommunication or Wireless Facility Setbacks:** The following requirements shall supersede any less stringent standards found elsewhere in City Ordinances or Regulations:

A. Telecommunications and wireless towers, wireless facilities, guys, and accessory structures shall have a minimum front, side, and rear yard setback equal to 30 feet.

B. Telecommunications or wireless facilities shall not be located within 1,000 feet of a school or residentially zoned lot, notwithstanding the municipal boundary.

**(6) Security Fencing:** The perimeter of telecommunication and wireless facilities shall be enclosed by security fencing not less than six feet in height and shall also be equipped with appropriate anti-climbing controls, but shall contain no barbed wire.

**(7) Landscaping:** A minimum of 10% of the site must be landscaped with vegetation, and existing on-site vegetation shall be preserved to the maximum extent practicable. The proposed landscaping must adequately screen the site from abutting streets and properties as approved by the Zoning Board.

**(8) Height:** The height of each facility shall be reviewed and approved by the Zoning Board of Appeals. The maximum height of a telecommunications and wireless facility shall be 100 feet. This standard shall supersede any more stringent standards found elsewhere in the City Ordinances or Regulations. The height of an antenna or accessory structure shall not violate the air space of abutting property.

#### **(f) Co-Location**

**(1) Design For Co-Location:** All telecommunications and wireless facilities shall be designed structurally, electrically, and in all other respects to accommodate both the applicant's antennae and comparable antennae for at least two additional users if the telecommunications and wireless facility is over 80 feet in height, or for at least one additional user if the tower is over 60 feet in height.

**(2) Review Procedure For Co-Location:** The co-location of additional antennae on an existing telecommunications and wireless facility shall require a Special Permit. With the Special Permit review process, the Zoning Board of Appeals may limit the number of users to be located on a tower. Co-Location shall not require a site plan except if any one of the following is met:

An additional equipment building is proposed.

- A. The additional antennas require an increase in the height or bulk of the telecommunications tower structure.
- B. The additional antenna and any associated accessory structures require the removal of trees or understory vegetation.

**(3) Co-Location Requirements:** A proposal for a new telecommunications or wireless service tower or facility shall not be approved unless the Zoning Board finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or facility which will meet the needs of the facility due to one or more of the following reasons:

- A. The planned equipment would exceed the structural capacity of the existing or approved tower or facility, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
- B. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or facility as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
- C. Existing or approved towers and facilities within the area cannot accommodate the planned equipment at a height necessary to function reasonably, as documented by a qualified and licensed professional engineer.
- D. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or facility.

#### **(g) Maintenance Guarantee**

Recognizing the hazardous situation presented by abandoned and unmonitored telecommunications facilities, the Zoning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned telecommunication facilities in the event that a facility is abandoned and the facility owner is incapable or unwilling to remove the facility in accordance with Section 20-17 (h).

#### **(h) Removal of Abandoned Facilities**

**(1) Abandonment By Inoperation:** A telecommunications facility shall be considered abandoned and be removed by the owner of the facility if it is not operated for a continuous period of 12 months. If the owner of the facility does not remove the facility upon the Building Inspector/Commissioner's order then the Zoning Board shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within 90 days of receipt of the declaration of abandonment by the Zoning Board. If the abandoned facility is not removed within 90 days, the City may use the security to pay for this action without further notice.

**(2) Abandonment by Neglect:** A telecommunication facility shall be maintained in compliance with the standards contained in the Building Code adopted by the City of Lawrence. If, upon inspection by the City, it is concluded that any part of a facility fails to comply with the Building Code and the facility constitutes a danger to persons or property, then upon notice provided to the owner of the facility, the owner shall bring the facility into

compliance with the Building Code. If the owner fails to bring the facility into compliance within the time frame determined by the Code Enforcement Officer, then the Zoning Board shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within 90 days of receipt of the declaration of abandonment by the Zoning Board. If the abandoned facility is not removed within 90 days, the City may use the security to pay for this action without further action or notification."

Amend Section 29-11: Table of Use regulations as follows:

USE	DISTRICT										
	OSR	R-1 R-1A	R-2 R-2A	R-3 R-4	HA	B-1	B-2	B-3	I-1	I-2	I-3
<b>B. Commercial</b>											
Telecommunications and Wireless Facility	NO	NO	NO	NO	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR
Telecommunications and Wireless Facility on a Municipally Owned Building or Structure [3/0/01]	NO	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR

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

AUGUST 27, 2001



# The Lawrence City Council adopted the following ZONING TEXT AMENDMENT ON OCTOBER 7, 2003

DOCUMENT #72-2003

Be it ordained by the City Council of the City of Lawrence that the Revised Ordinances of the City of Lawrence are hereby further amended by adding the following Section 29- 19 (B) to Article V to be inserted after Section 29 - 19 (A):

## **29-19 (B) Reviviendo Gateway Overlay (RGO)**

### **(1) Statement of Purpose**

The Reviviendo Gateway Overlay (RGO) is designed to permit economically sustainable development and to unlock the potential of historic land use patterns and buildings, and provide the foundation for long-term private re-investment in the Reviviendo Gateway District.

### **(2) RGO Boundaries**

The boundary of the RGO is shown on the Zoning Map, which map is hereby incorporated and made part of this ordinance.

### **(3) Existing Zoning**

The RGO shall be overlaid over the Residence-3, Business-2, Business-3, and Industrial-2 Districts. The owners of property shall maintain all zoning rights consistent with said districts. However, if an owner elects to develop consistent with the RGO, the rules and regulations of the RGO shall apply. Where the RGO is silent on a zoning regulation the requirements of the underlying zoning shall apply.

### **(4) Permitted uses**

Uses in the RGO shall be linked to the individual underlying zoning district as follows.

- (a) In the Residence 3 District the uses listed in Section 29-11 Table 1 Schedule of Requirements under the term District shall apply as indicated except that the following use shall be permitted as of right.
  - (i) Rehabilitation of multi-family structures.
  - (ii) Multi-family residential.
  - (iii) Town Houses; subject to the following conditions:
    - a) Town Houses that abut a more than one public right of way shall be setback 12 feet from each public right of way.

- b) All facades of a Town House that abut a public right of way shall be designed with windows and other architectural openings, consistent with the State Building Code.
- (b) In the Business 2 and Business 3 Districts the uses listed in Section 29-11 Table 1 Schedule of Requirements under the term District shall apply as indicated except that the following uses shall be permitted as of right.
  - (i) Rehabilitation of multi-family structures.
  - (ii) Rehabilitation of commercial uses and mixed use development.
  - (iii) Mixed-use development, subject to the following conditions:
    - a) Mixed use development shall permit residential use with commercial and office uses, consistent with the state building code.
    - b) Mixed use development in the RGO shall require residential uses to occur on floors above the ground floor, except for artist live / work space which shall be permitted on any floor. Any development shall provide for a distinct and separate entrance on the ground floor for the upper story residential uses including artist live/ work-space. Further, the commercial or artist live / work space use of the ground floor shall for any type mixed-use development not exceed 90% of the floor area of the ground floor. In no manner shall the requirement that non-artist live work residential uses occur above the ground floor be construed to mean that other non-residential uses permitted by the RGO cannot occur above the ground floor in any combination of allowable uses in any mixed use building or project.
    - c) There shall be no required 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 codes.
    - d) Mixed -use development in the Business 2 District shall not permit residential uses, of any type, to exceed one dwelling unit per 2,500 square feet.
  - (iv) Artist Live / Work Units, subject to the following criteria:
    - a) 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 craft 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.
- (c) In the Industrial 2 Districts, the uses listed in Section 29-11 Table 1 Schedule of Requirements under the term District shall apply as indicated except that in the RGO the following uses shall be permitted as of right.

- (i) Research and development facility, research laboratory or research facilities for scientific or medical research
- (ii) Publishing establishment and / or printing
- (iii) Sign making establishment
- (iv) Restaurants; subject to the following conditions:
  - a) Restaurants shall be allowed by right if they are located in whole or in part in an existing building and seat at least 50 persons. In the instance where a restaurant includes a bar or a lounge said facility shall also be permitted as of right if it is designed to seat at least 20 people in addition to the minimum 50 restaurant seats.
  - b) Drive through food service facilities, and stand-alone fast food restaurants of any kind shall not be permitted as of right.
  - c) Outdoor cafes shall also 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 least 20 people.
- (v) Bar and café; subject to all the requirements of item 29-19(B)(4)(c)(iv) above
- (vi) Rehabilitation of commercial uses and mixed use development
- (vii) Artist Live / Work Space; subject to all the requirements of 29-19(B)(4)(b)(iii) and 29-19(B)(4)(b)(iv) above.
- (viii) Mixed-use development; subject to all the requirements of 29-19(B)(4)(b)(iii) above.

##### (5) Dimensional Regulations.

Dimensional Regulations in the RGO shall be linked to the individual underlying zoning district as follows:

- (a) For the Residence 3 District the Dimensional Regulations listed in Section 29-15 Table 2 Schedule of Dimensional Requirements Within Residential Districts shall not apply, rather the following shall apply:
  - (i) Minimum Lot Area: 5,000 square feet
  - (ii) Lot Area per Dwelling Unit: 2,500 square feet
  - (iii) Yards, Minimum in feet:
    - Front 12
    - Side 10
    - Rear 15
  - (iv) Lot Coverage (maximum in percent)
    - Dwelling 40%
    - Accessory structures 10%
    - Max. impervious surface 75%
  - (v) Height of Structures (maximum in feet)
    - Stories 3
    - Feet 45

- (b) For the Business 2 and Business 3 Districts the Dimensional Regulations listed in Section 29-16 Table 3 Schedule of Dimensional Requirements Within Non-Residential Districts shall apply to all RGO related development where the underlying zoning is Business 2 and Business 3, except as further controlled by section 29-19(B) (4) (b) (iii) above.
- (c) For the Industrial 2 Districts the Dimensional Regulations listed in Section 29-16 Table 3 Schedule of Dimensional Requirements Within Non-Residential Districts shall apply to all RGO related development where the underlying zoning is Industrial 2, except for the following:
  - (i) Lot Area per Dwelling Unit: 600 square feet
  - (ii) The "Yards" requirement in the table and footnotes shall not apply to pre-existing buildings.

(6) Parking Regulations.

Parking Regulations in the RGO for all underlying districts shall be consistent with the City of Lawrence Zoning Ordinance as indicated in Table 4 Off-Street Parking Requirements, Minimum Off-Street Parking Spaces and the other applicable subsections of Section 29-18 Parking Regulations, except for the following:

- (a) Artist live / work space shall require one space per artist live / work unit and an additional one parking space per every six artist live work units where there is common gallery or showroom space open to the public.
- (b) All or a portion of the off street parking requirement for any type of RGO development may be met by presentation of a long term lease of at least 10 years, with a public or private parking facility within 1,000 feet of the property line of the proposed RGO use.
- (c) No off-street parking shall be permitted in the required front yard setback of any new residential development, unless permitted by variance.

(7) Affordable Housing.

All multi-family housing over 20 units developed at one time or in phases and consistent with RGO regulations shall provide 10% of all dwelling units, rounded to the closest or larger whole number in instances where 0.50 occurs, as affordable units. All affordable housing units shall be consistent with the affordable housing rules and regulations of the Massachusetts Department of Housing and Community Development. All affordable housing units shall remain the responsibility of the building or project owner and shall be provided on site in perpetuity.

(8) Site Plan Review.

All development occurring as a result of the RGO shall be subject to Site Plan Review Sections 29-25 through 29-28 as applicable.

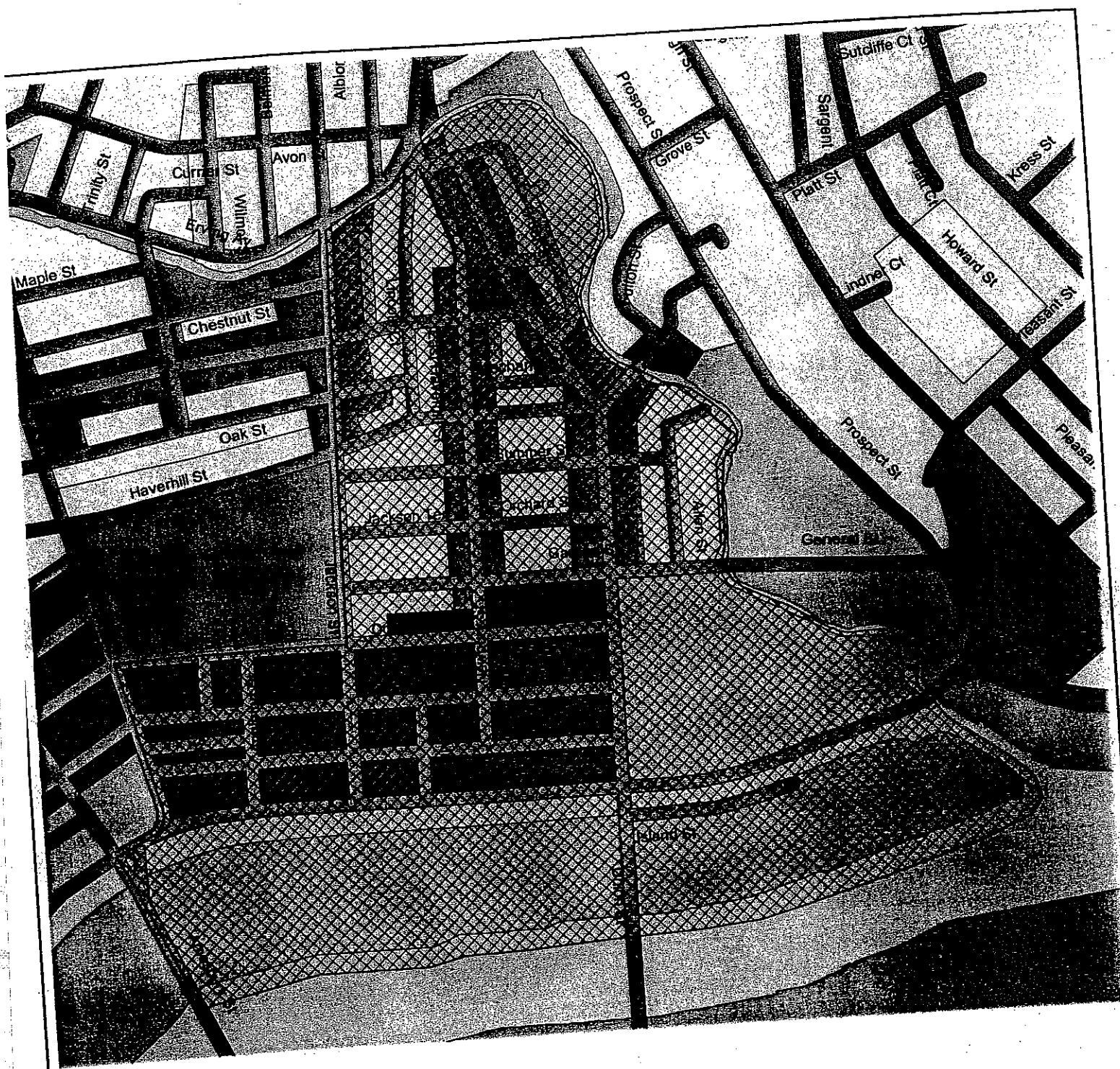
Be it ordained by the City Council of the City of Lawrence that the Revised Ordinances of the City Of Lawrence are hereby further amended by adding the following new paragraphs to Chapter 29, Section 29 – 4 (Definitions), to be inserted in the proper alphabetical order:

**Artist Live / Work Space.** A residential use that permits up to 50% of a residential dwelling unit to be used for the production of art or various arts and crafts. Additionally, for the purposes of this ordinance, it shall also be construed to mean a building or buildings where a portion of the total space is used for residential purposes and other portions for the production, showing, and sale of art or various arts and crafts.

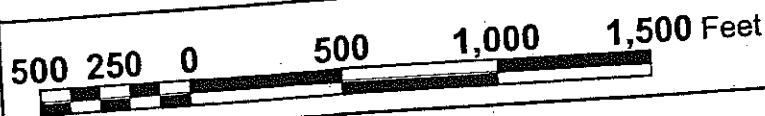
**Town House.** One of two or more residential buildings having a common or party wall separating dwelling units.



James McGravey  
City Clerk

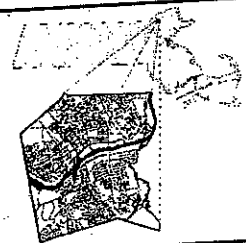


# Proposed Reviviendo Gateway Overlay District



## Zoning Legend

- B1 - Local Business District
- B2 - Secondary Business District
- B3 - Main Business District
- I1 - Industrial Park District
- I2 - General Industrial District
- I3 - Limited Industrial District
- R1/R1A - Residential District
- R2/R2A - Residential District
- R3/R4 - Residential District
- HA - Highway Access District
- OSR - Open Space Recreational
- 1 - 495
- Water
- Proposed Reviviendo Gateway Overlay District



This map is intended for demonstrative purposes only. It may not display sufficient information for legal boundary interpretation.

Tim Belcher  
08/18/02

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.

**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.



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.

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.

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.

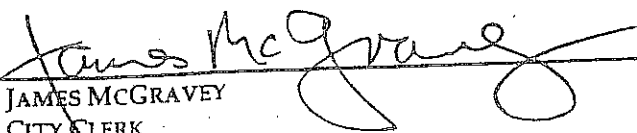
#### **Sec. 29-51. Plant Substitution**

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.
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.

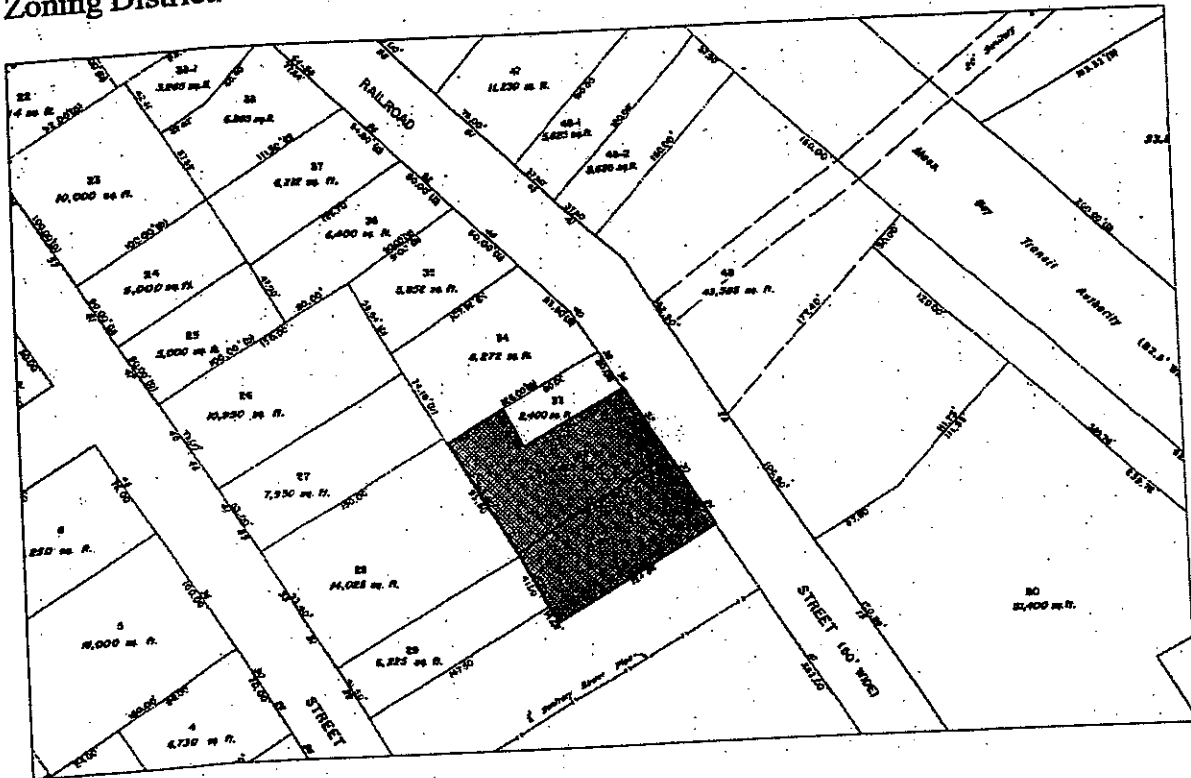
  
JAMES MCGRAVEY  
CITY CLERK  
PAGE 5 OF 5

NOVEMBER 19, 2003

THE LAWRENCE CITY COUNCIL ADOPTED THE FOLLOWING ZONING MAP  
AMENDMENT ON JANUARY 6, 2004.

Document # 277-2003

The Lawrence City Council amended the City's zoning map by changing the zoning of the lot located at 26-32 Railroad St. (Tap Map #189 Parcels 31 and 32) from Residential R-3 to Industrial (I-2). The zoning map is hereby changed to show this parcel is in an I-2 Zoning District.



James McGravey  
City Clerk

1/14/04  
Date

# The Lawrence City Council adopted the following Zoning Map Amendments on April 5, 2005:

Document # 308/2005 – Brook Street Zoning Amendment.

The following I-2 location designations have been amended to R-3 Residential Zoning Districts:

MAP	BLOCK	LOT	UNIT	AREASQFT	MBLU
88	0	57	0	9569	88-0-57-0
88	0	58	0	1404	88-0-58-0
88	0	59	0	3941	88-0-59-0
88	0	71	0	1740	88-0-71-0
88	0	72	0	1624	88-0-72-0
88	0	73	0	1800	88-0-73-0
88	0	74	0	3995	88-0-74-0
88	0	75	0	4425	88-0-75-0
88	0	76	0	3786	88-0-76-0
88	0	77	0	3000	88-0-77-0
88	0	78	0	6400	88-0-78-0
88	0	79	0	3200	88-0-79-0
88	0	80	0	3200	88-0-80-0
88	0	81	0	6725	88-0-81-0
88	0	82	0	5558	88-0-82-0
88	0	84	0	7979	88-0-84-0
88	0	85	0	5952	88-0-85-0
89	0	10	0	4044	89-0-10-0
89	0	11	0	3907	89-0-11-0
89	0	12	0	5015	89-0-12-0
89	0	13	0	4879	89-0-13-0
89	0	14	0	5500	89-0-14-0
89	0	15	0	6272	89-0-15-0
89	0	17	0	16696	89-0-17-0
89	0	18	0	12860	89-0-18-0
89	0	20	0	3200	89-0-20-0
89	0	21	0	3200	89-0-21-0
89	0	22	0	3200	89-0-22-0
89	0	23	0	2800	89-0-23-0
89	0	24	0	3200	89-0-24-0
89	0	25	0	3488	89-0-25-0
89	0	26	0	3185	89-0-26-0
89	0	27	0	3670	89-0-27-0
89	0	28	0	3268	89-0-28-0
89	0	29	0	6000	89-0-29-0
89	0	9	0	3601	89-0-9-0

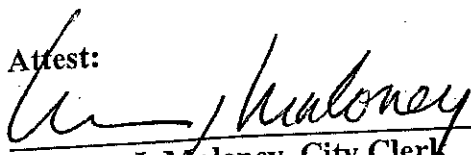
The following I-2 location designations have been amended to B-2 Residential locations:

I-2 to B-2					
MAP	BLOCK	LOT	UNIT	AREASQFT	MBLU
88	0	60	0	4000	88-0-60-0
88	0	65	0	3677	88-0-65-0
88	0	66	0	2371	88-0-66-0
88	0	67	0	2425	88-0-67-0
88	0	68	0	2769	88-0-68-0
88	0	69	0	2480	88-0-69-0

The following I-2 location designations have been amended to Open Space Recreational (OSR) locations:

I-2 to OSR					
MAP	BLOCK	LOT	UNIT	AREASQFT	MBLU
88	0	83	0	121100	88-0-83-0
88	0	95	0	81600	88-0-95-0
89	0	19	0	10380	89-0-19-0

Attest:

  
 William J. Maloney, City Clerk

6-10-05  
 date

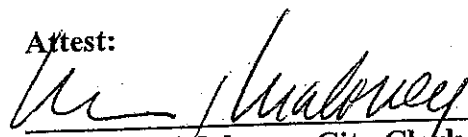
**The Lawrence City Council adopted the following Zoning Map Amendments on June 7, 2005:**

**Document # 13/2005 -- Amendment.**

**The following R-2 location designations have been amended to B-1 Residential Zoning Districts:**


MAP	BLOCK	LOT	UNIT	MBLU
110	0	37	0	110-0-37-0
110	0	38	0	110-0-38-0
110	0	39	0	110-0-39-0
110	0	40	0	110-0-40-0
110	0	46	0	110-0-46-0
110	0	47	0	110-0-47-0
110	0	48	0	110-0-48-0
110	0	49	0	110-0-49-0
110	0	88	0	110-0-88-0
110	0	89	0	110-0-89-0
110	0	99	0	110-0-99-0
110	0	100	0	110-0-100-0
110	0	101	0	110-0-101-0

Attest:

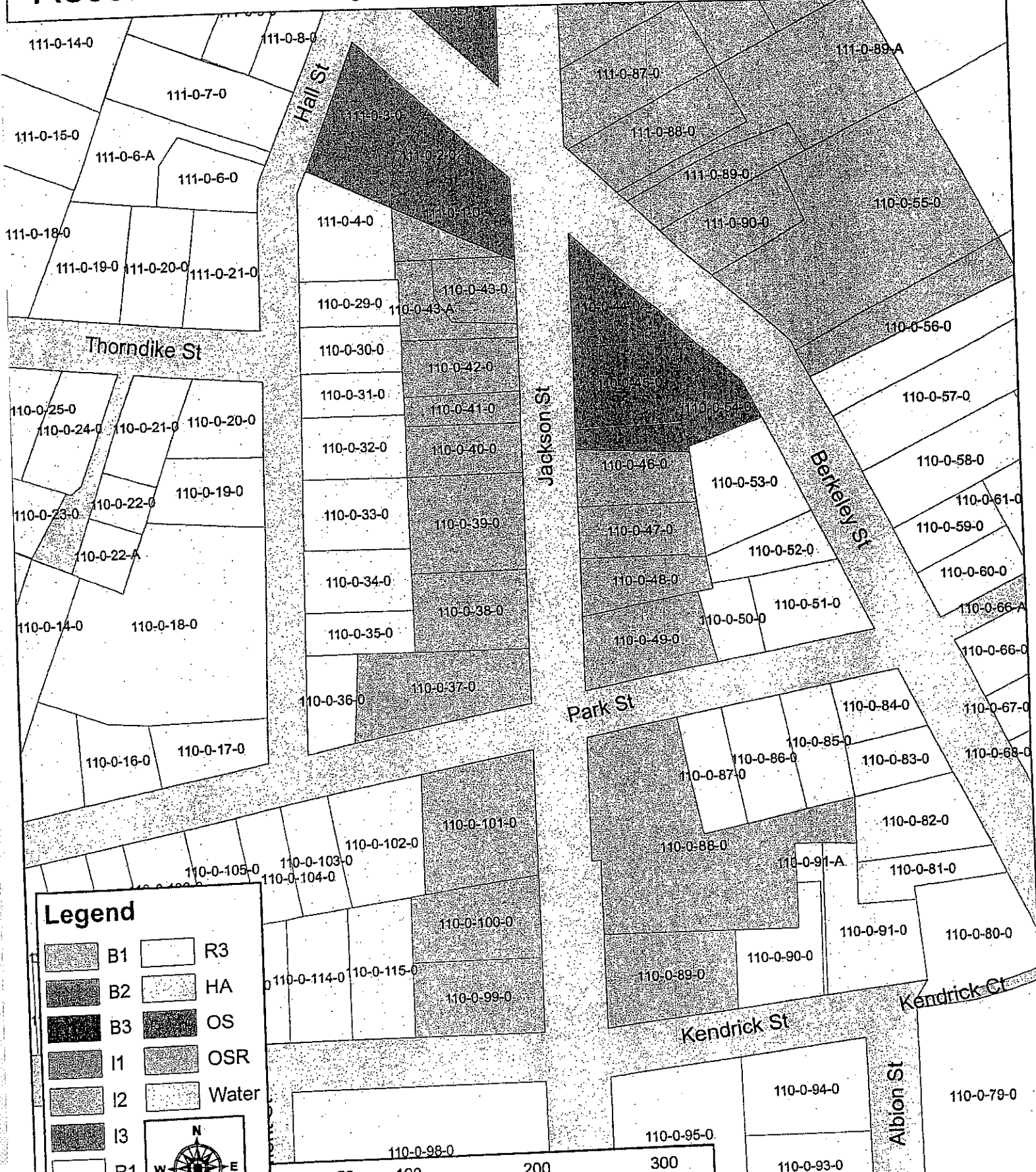
  
William J. Maloney, City Clerk

10-22-05  
date

**A TRUE COPY  
ATTEST**

  
City Clerk

Jackson Street - Proposed Change to B1 Zone  
\*Recommended by the Planning Board\*







*City of Lawrence*  
*Office of the City Clerk*  
*City Hall Room 107*  
*200 Common Street*  
*Lawrence Massachusetts 01840*

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[www.cityoflawrence.com](http://www.cityoflawrence.com)

MICHAEL J. SULLIVAN  
MAYOR

WILLIAM J. MALONEY  
CITY CLERK

JENNIFER PADELLARO  
ASSISTANT CITY CLERK

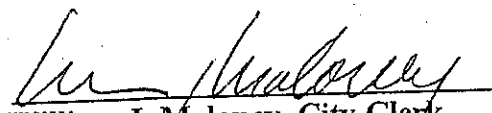
The Lawrence City Council adopted the following Zoning Map Amendments  
October 4, 2005.

The following Residential [R-1 and R-2] locations have been amended to Open  
Space/Recreational [OSR] [see document #165/2005]:

Map	Block	Lot	Unit
177	0	29	0
178	0	8	0

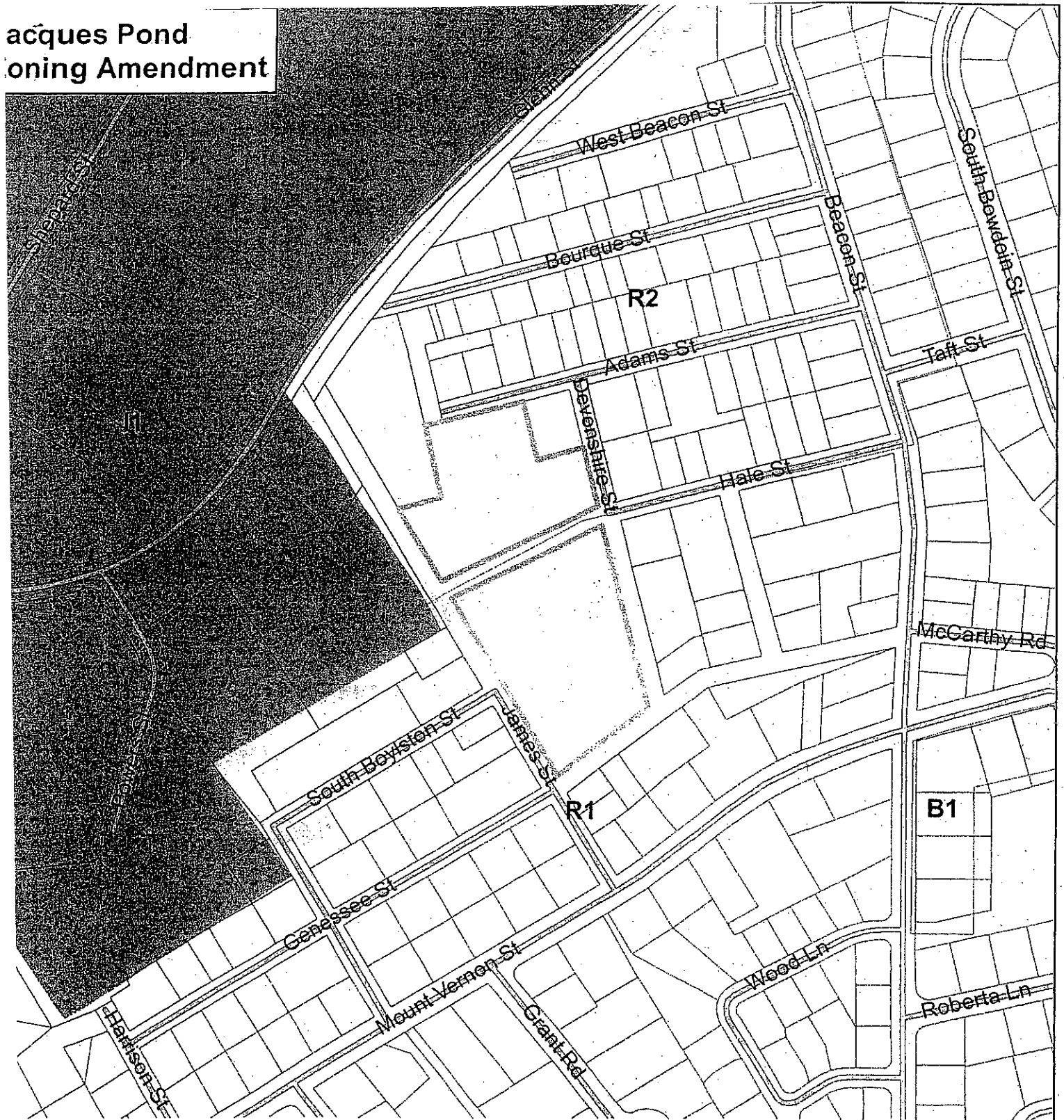
Please adjust any information maintained by your office concerning this parcel  
accordingly.

Attest:

  
William J. Maloney, City Clerk

1-24-06  
Date

# acques Pond oning Amendment



Zoning Information for  
the City of  
Lawrence, Massachusetts

Michael J. Sullivan - Mayor

20 240 480 720 960 Feet

## Zoning Legend

- B1 - Local Business District
- B2 - Secondary Business District
- B3 - Main Business District
- I1 - Industrial Park District
- I2 - General Industrial District
- I3 - Limited Industrial District
- R1/R1A - Residential District
- R2/R2A - Residential District
- R3/R4 - Residential District
- HA - Highway Access District
- OSR - Open Space Recreational
- I-495
- Water

Revivendo Gateway  
Overlay District

Planned Industrial  
Overlay District



This map is intended for demonstrative  
purposes only. It may not display  
sufficient information for legal  
boundary interpretation.



*City of Lawrence*  
*Office of the City Clerk*  
*City Hall Room 107*  
*200 Common Street*  
*Lawrence Massachusetts 01840*

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MICHAEL J. SULLIVAN  
MAYOR

WILLIAM J. MALONEY  
CITY CLERK

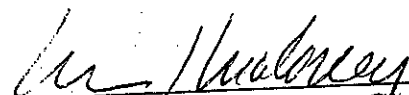
JENNIFER PADELLARO  
ASSISTANT CITY CLERK

The Lawrence City Council adopted the following Zoning Map Amendments on November 15, 2005.

The following Residential [R-2] locations have been amended to Open Space/Recreational [OSR] [see document #199/2005]:

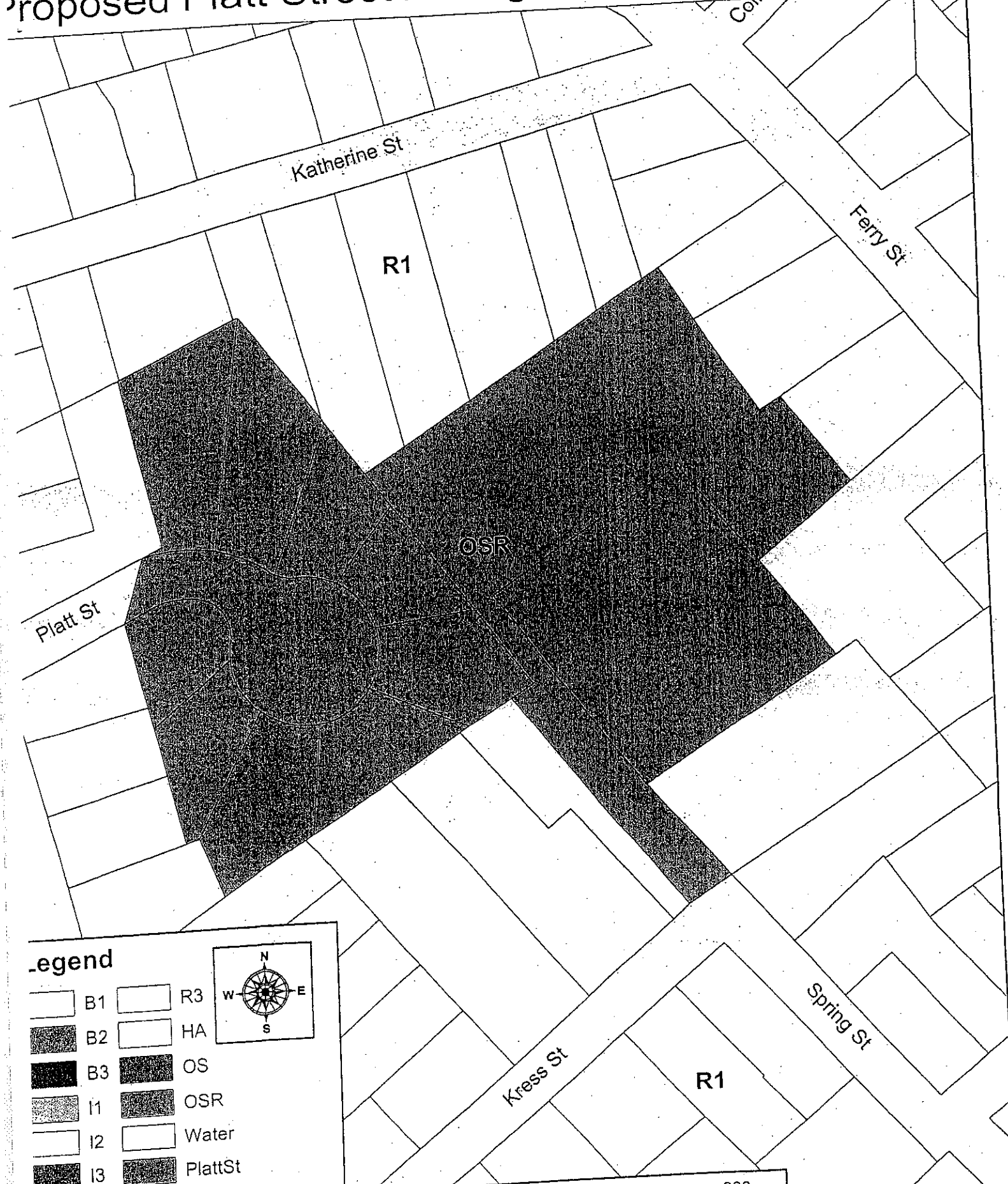
Map	Block	Lot	Unit
51	0	1A	0
51	0	1A1	0
51	0	1A2	0
51	0	1A3	0
51	0	1A4	0
51	0	1A5	0
51	0	1A6	0
51	0	1A7	0
51	0	1A8	0
51	0	29	0
51	0	11	0

Attest:















  
William J. Maloney, City Clerk

1-23-06  
Date

# Proposed Platt Street Zoning Amendment



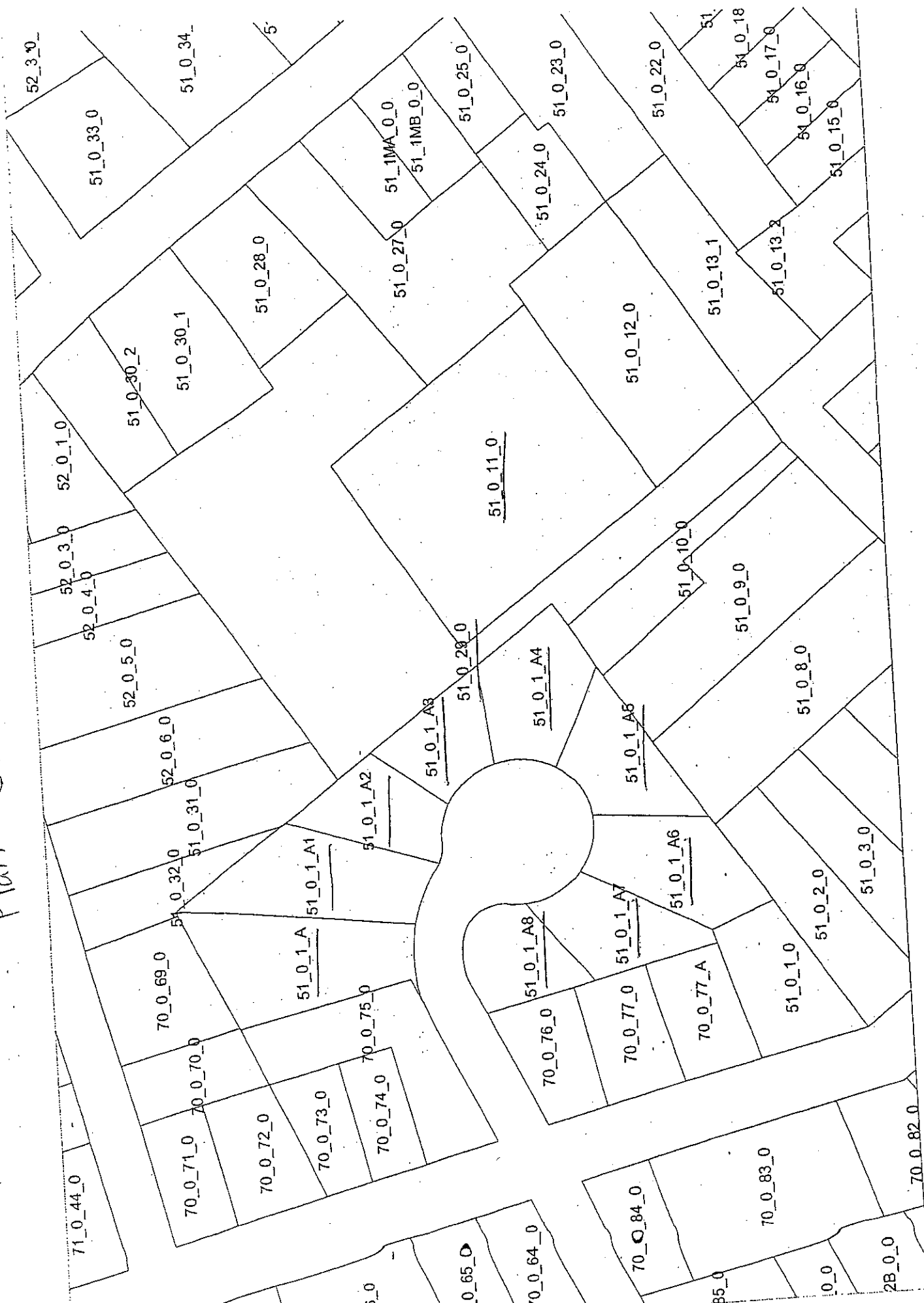
**Legend**

 B1	 R3
 B2	 HA
 B3	 OS
 I1	 OSR
 I2	 Water
 I3	 PlattSt
 R1	 Lawrence Parcels

Compass rose showing North (N), South (S), East (E), and West (W).

Scale bar: 0, 50, 100, 200, 300 Feet

100



## ORDINANCE APPROVED BY CITY COUNCIL ON 10-3-06

**\*\*Delete the current definition of Home Occupation in Section 17.04.030 of the Municipal Code and Section 29-4 (Definitions) of the Revised Zoning Ordinance of the City of Lawrence and inserting in its place the following definitions:**

### Delete:

**Home occupation.** An accessory use of a service character customarily conducted in a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small name plate and in connection therewith there is not involved the keeping of a stock in trade. Without limiting the generality, the following shall be deemed home occupations. The office of a physician, osteopath, surgeon, lawyer, dentist, optometrist, architect, engineer, accountant, instructor in violin, piano, or other individual musical instruments limited to a single pupil at one time, who offers skilled services to clients (and is not professionally engaged in the purchase or sale of economic goods) shall be deemed home occupations. The following list including but not limited to dancing instruction, band instrument instruction in groups, tea rooms, tourist homes, beauty parlors, barbershops, real estate offices, convalescent homes, mortuary establishments, and stores, trades or businesses of any kind not herein excepted shall not be deemed a home occupation.

### Insert:

**Commercial vehicle.** Shall mean any vehicle required by the Commonwealth of Massachusetts to have commercial vehicle license plates;

**Home Occupation.** An activity customarily carried on inside a dwelling unit, and conforming to the following requirements:

- 1) The home occupation shall be conducted only by the residents of the dwelling unit unless otherwise allowed by special permit;
- 2) The home occupation shall require only customary home equipment;
- 3) The use, including storage of materials or products, shall be carried on strictly within an enclosed area within the dwelling unit;
- 4) There shall be no exterior structural alternations that are not customary with residential buildings, excluding signs as provided for herein;
- 5) The production of offensive noise, vibration, smoke, dust or other particular matter, heat, humidity, glare, or other objectionable effects shall be prohibited;
- 6) The home occupation would not be expected to have more than one (1) visitor/customer car at any given time as allowed by the granting of a special permit;
- 7) An accessory use of a service character customarily conducted in a dwelling by the resident thereof, where is clearly secondary to the use dwelling for living purposes and does not change the character thereof or have exterior evidence of such secondary use other than a small name plate and is not involved in the keeping of a stock in trade.

A home occupation shall include, but is not limited to: studio of an artist, musician, photographer or writer, the teaching of not more than one (1) pupil; work of a domestic nature, such as dressmaking; the

The following list including but not limited to dancing instruction, band instrument instruction in groups, tea rooms, tourist homes, beauty parlors, barbershops, real estate offices, convalescent homes, mortuary establishments, and stores, trades or businesses of any kind not herein expected shall not be deemed a home occupation.

Gross Floor Area.

**\*\*Amend the current zoning use table as it pertains to home occupations as follows:**

<b>P</b>	Permitted.
<b>PSR</b>	Permitted with site plan review by the Planning Board pursuant to Articles VII and VIII. [4/15/97]
<b>SPSR</b>	Special permit by Board of Appeals with site plan review by the Planning Board pursuant to Articles VII and VIII.
<b>SPSA</b>	Special permit and site plan approval by Planning Board pursuant to Articles VII and VIII.
<b>NO</b>	Prohibited.

**Delete:**

**Insert:**

Home occupation (§ 29-4) (§29-23 ddd)	NO	P	P	SPSR	NO	SPSR	SPSR	SPSR	SPSR	SPSR	SPSR
--	----	---	---	------	----	------	------	------	------	------	------

\*\*\* And by adding the following new Section 29-12(i)

**Section 29-12(i)**

**Home Occupation - As of Right.**

A home occupation may be allowed as of right provided that:

1. it is conducted solely within a dwelling and solely by the person(s) occupying the dwelling as a primary residence;
2. it is clearly incidental and secondary to the use of the premises for residential purposes;
3. is the only home occupation on the lot;
4. it does not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission or environmental pollution;
5. it does not utilize exterior storage of material or equipment;
6. it does not exhibit any exterior indication, including signs, of its presence or any variation from residential appearance; except for a total of one non-free-standing sign per dwelling unit not exceeding one-half square foot located on the mailbox or, near the mail delivery area identifying the home occupation; please also refer to Section 29-20
7. it does not produce more than one (1) customer, pupil, employee or client visits to the occupation site;
8. it does not have any employees who do not live at the residence;
9. it is registered as a business with the City Clerk;
10. it is in a R-1/R-1A or R-2/R-2A zone, see accompanying copy of zoning map;
11. the home occupation shall not create pedestrian or vehicular traffic in excess of that which is typical to a residential use of the premises;
12. No commercial vehicle used for any part of the home occupation activity may be parked, maintained, or stored on the premises with the exception of one commercial vehicle per dwelling unit complying with each of the following requirements: (a) the vehicle has a suspension weight of one ton or less, and (b) the vehicle is utilized for residential purposes at least 51% of the time on a weekly basis and (c) there is off-street parking for the commercial vehicle which does not cause another vehicle of the residence to be parked on the street;



13. No commercial vehicle, other than those identified in (12) above, is used for the delivery of materials or pickup of materials in conjunction with the home occupation, except that reasonable courier services to or from the premises is permitted;

14. there is no alteration of the appearance of the premises for the purpose of attracting attention to the home occupation;

15. the home occupation shall not cause or generate any other condition that interferes with the peace, health, safety or general welfare of people or property in the surrounding area.

16. A home occupation may only conduct business during the hours of 9am to 5pm each day from Monday through Friday. Fully licensed day care centers are allowed to operate from 6am to 6pm each day from Monday through Friday.

#### Challenge By Building Commissioner

The Building Commissioner shall have the authority to challenge any home occupation established under section 29-12(i). If the Building Commissioner finds the home occupation does not meet the as of right criteria, the Building Commissioner has the authority to deny the business as a home occupation as of right. The business owner can then appeal such decision to the Zoning Board of Appeals.

**\*\*Amend 29-23 - General or Specific Provisions**

By adding Section 29-23 (ddd)

**Home Occupation - By Special Permit with a Site Review.**

A home occupation may be allowed by Special Permit with a Site Review issued by the Zoning Board, provided that:

1. it fully complies with Section 29-12(i), subsections 2, 4, 5, 6, 9, 11, 12, 14 and 15;

2. it is conducted within a dwelling solely by the person(s) occupying the dwelling as a primary residence and, in addition to the residents of the premises, by not more than one (1) additional non-resident employee;

3. the resident operating the home business, with written permission from the owner of the residence, if different than the resident operator, obtains a special permit for such use granted by the Building Commissioner, subject to conditions set by the Building Commissioner including, but not limited to, restriction of hours of operation, maximum floor area, off-street parking, and maximum number of daily customer vehicle trips;

4. is located within an R-3, R-4, B1, B2, B3, I1, I2, and I3 zone, see attached Zoning Map.

5. the Building Commissioner shall have thirty (30) days after receiving the required fee and application for the special permit to make a determination.

Such Special Permit with Site Plan Review shall be limited to three (3) years, the transfer of the ownership of the property, or the transfer of residential control of the residence, whichever first occurs. Upon the applicant reapplying to the Building Commissioner for a Home Occupation permit, showing that compliance to the original special permit has not changed, the Building Commission shall issue such renewal of the permit.

If written denial is obtained by the applicant, an appeal to the Zoning Board of Appeals may be made or if the Building Commissioner does not issue a written denial within forty-five (45) of receiving the application, it shall be considered denied and the appeal may be made to the Zoning Board of Appeals. The Office of the Building Commissioner shall be responsible for reviewing/inspecting any home occupation that is in alleged violation of any of the listed requirements.

**Prohibited Occupations**

The following shall be prohibited as home occupations:

(a) Motor Vehicle Repair and/or Detailing

Those occupations conducted on the premises that entail motor vehicle repair work, including any and

all aspects of body or fender work. Also prohibited is auto detailing on the premises.

(b) Mechanical and Electronic Repair

Mechanical and electronic repair utilizing, maintaining or storing more mechanical or electronic equipment on the premises than is common to a residence.

(c) Kennels

Those occupations and uses which entail harboring, training, or raising of dogs, cats, birds, or other animals.

(d) Food Handling

Those occupations which entail food handling, food processing, food warehousing, or food packaging.

(e) Firearms

An occupation that entails the manufacturing, sale, lease, or rental of firearms and/or ammunition.

(f) Other Prohibited Home Occupations

Any activity where the conduct or operations of such activity would violate any statute, ordinance, law or regulation of the City of Lawrence, the Commonwealth of Massachusetts or the United States of America.

**Specific Restrictions**

The following regulations shall apply to the conduct of home occupations:

(a) Limitation on Number of Home Occupations

A maximum of two (2) home occupations for every three (3) residential units may be conducted on the premises of a residence. Multiple fictitious business names may be considered as part of one business if the businesses are determined by the Building Commissioner to be sufficiently similar in nature so as to constitute one business. There may not be more than one substantially different home occupation per residential unit.

Original (b) hours of operation moved to a different section

(b) Maximum Floor Area of Usage

Shall not exceed twenty percent (20%) of the gross floor area of the dwelling or exceed 500 square feet, whichever is less. Gross floor area includes a basement and attached garage, but does not include an unfinished attic or a detached garage.

(d) Off-Street Parking Requirements

No vehicle normally parked off-street is allow to occupy on-street parking for the purpose of creating off-street parking for home occupation activities.

(e) On-street Parking Regulations/Requirements

Any additional vehicles coming into the area for the specific purpose of engaging the home occupation, must be able to be accommodated by existing on-street parking without creating an undue burden on the neighborhood.

(f) Sale and Display

No products are to be displayed in a manner visible to the general public or other residents of the building.

(g) Storage

No outside storage in a covered or uncovered structure or area is allowed.

Exempted Activities from Home Occupation Regulations

Garage or yard sales provided the sale is held for not more than two (2) consecutive days, and no more than five times per year at the same location, and no consignment goods are offered for sale.

Temporary social gathering sales that do not exceed one day, such as candle parties, book parties, and Tupperware parties, not to exceed six (6) occurrences per year per residential unit.

**\*\*Furthermore, by amending Section 29-20 Sign Regulations**

29-20 (b) Definition of Sign Types

Insert:

(10) Home Occupation Sign

A sign that does not exhibit any exterior indication, including signs, of its presence or any variation from residential appearance; except for a total of one non-free-standing sign per dwelling unit not exceeding one square foot located on the mailbox or, near the mail delivery area identifying the home occupation.

Renumber 29-20 (b) 11 through 24

**\*\*Also, insert into 29-20 (c) Permitted Signs**

(iii) Home Occupation Signs

Renumber 29-20(c) (iv) through (ix)

The Lawrence City Council adopted the following:

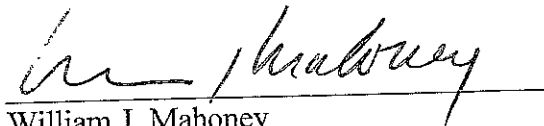
ZONING TEXT AMENDMENT ON AUGUST 8, 2007

DOCUMENT #110-2007

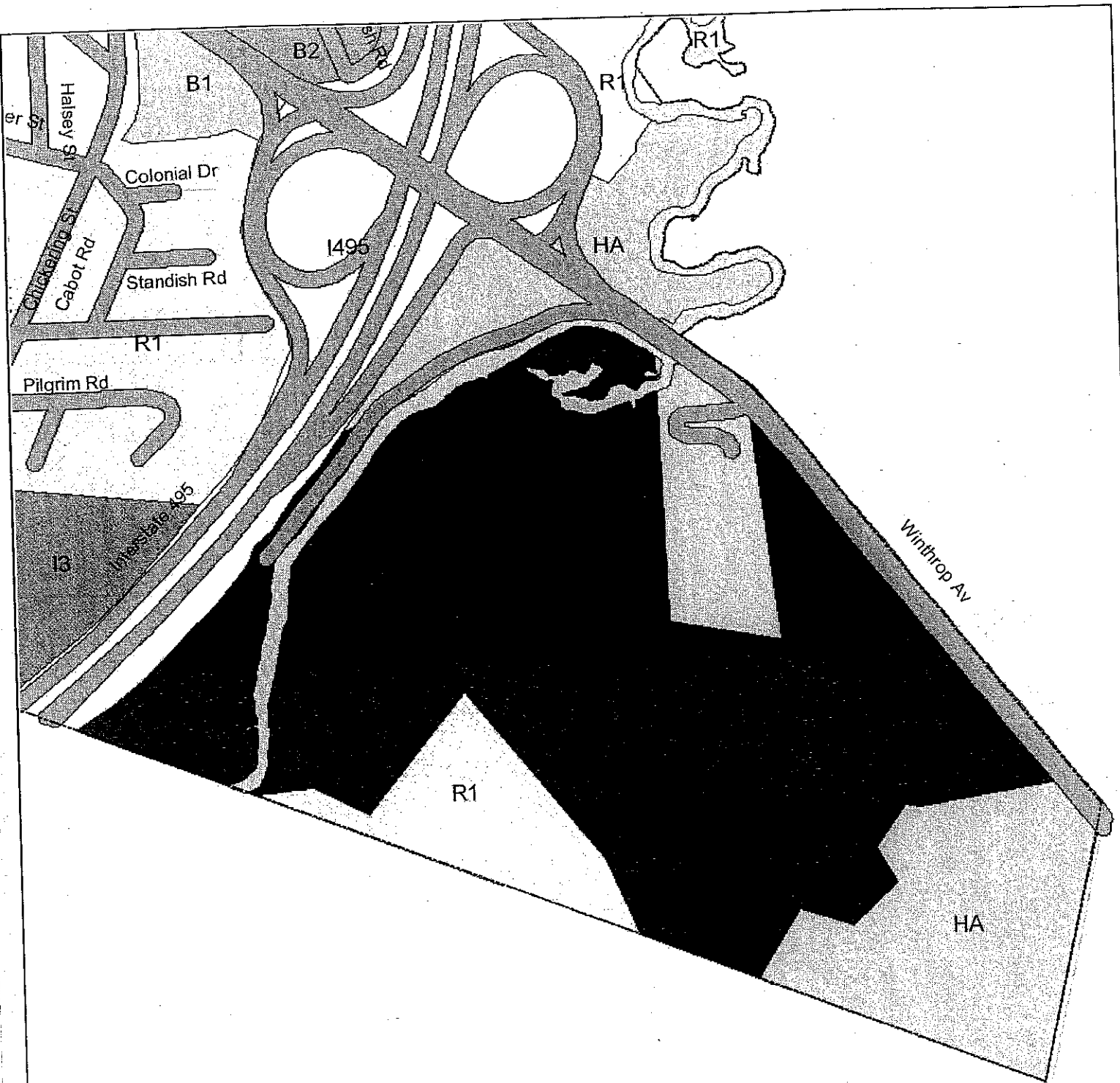
Added to Sec. 29-6: (OSC) Open Space Conservation district

Added to Sec 29-10: OSC Districts- To preserve natural resources and environmentally significant areas while promoting public access for passive recreation. Only infrastructure necessary to such purpose is allowed (i.e. trails, educational signage, walkways, and public parking areas) subject to review and approval by the Lawrence Conservation Commission

Amended the Zoning Map to designate Den Rock Park as OSC.

  
\_\_\_\_\_  
William J. Mahoney  
City Clerk

4-30-08  
Date



# Open Space Conservation Amendment

August 8, 2007

Designates Den Rock Park as OSC

Michael J. Sullivan - Mayor

## Zoning Legend

- B1 - Local Business District
- B2 - Secondary Business District
- B3 - Main Business District
- I1 - Industrial Park District
- I2 - General Industrial District
- I3 - Limited Industrial District
- R1/R1A - Residential District
- R2/R2A - Residential District
- R3/R4 - Residential District
- HA - Highway Access District
- OSC - Open Space Conservation
- OSR - Open Space Recreational
- I - 495
- Water

Reviviendo Gateway  
Overlay District

Planned Industrial District



This map is intended for demonstrative purposes only. It may not display sufficient information for legal boundary interpretation.

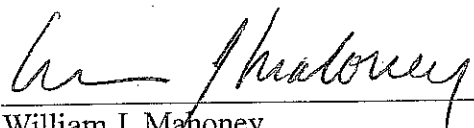
0 250 500 1,000 1,500 Feet

The Lawrence City Council adopted the following:

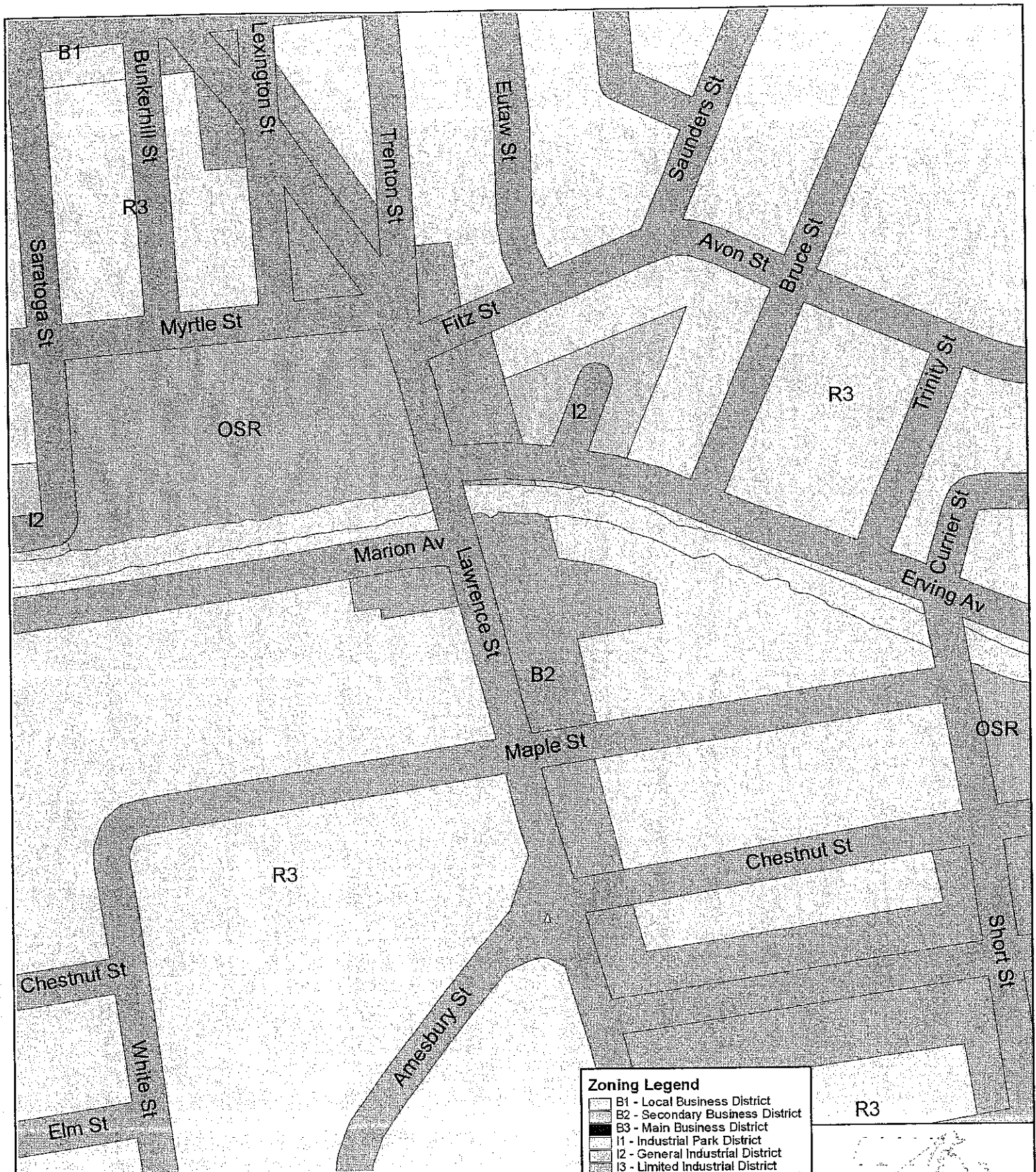
ZONING MAP AMENDMENT ON MARCH 18, 2008

DOCUMENT #270-2007

Amendment to the Zoning Map of those portions of parcels of land known as and located at 127-137 Lawrence Street (Rear portion) and 170 Lawrence Street, being shown on Assessors Map 129, Lots 2 and 90 and Assessor's Map 128 Lot 5, in the City of Lawrence. The Zoning Map is proposed to be amended by changing the zoning designation of the above named parcels of land from Residential (R-3/4) Zoning to Business (B-2) Zoning.

  
\_\_\_\_\_  
William J. Mahoney  
City Clerk

4-30-08  
Date



# Residential Zoning to Business Zoning

127 - 137 Lawrence Street & 170 Lawrence Street

March 18, 2008

Michael J. Sullivan - Mayor

0 125 250 500 750 Feet

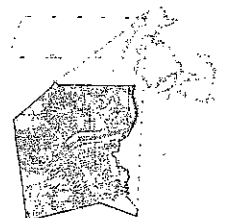
## Zoning Legend

- B1 - Local Business District
- B2 - Secondary Business District
- B3 - Main Business District
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- R1/R1A - Residential District
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- R3/R4 - Residential District
- HA - Highway Access District
- OSC - Open Space Conservation
- OSR - Open Space Recreational
- I-495
- Water

Revivendo Gateway Overlay District

Planned Industrial Overlay District

R3



This map is intended for demonstrative purposes only. It may not display sufficient information for legal boundary interpretation.



**The Lawrence City Council adopted the following:**

**ZONING TEXT AND MAP AMENDMENT ON 4-1-08.**

**DOCUMENT # 34 – 2007**

**Section 29-19C Arlington Mills Smart Growth Overlay District (AMSGO)**

**29-19 C 1 Purpose.**

It is the purpose of this Article to establish an Arlington Mills Smart Growth Overlay District (AMSGO) and to encourage smart growth in accordance with the purposes of G.L. Chapter 40R, and 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, preservation of open space, and a variety of transportation options, including enhanced pedestrian, 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. Provide an alternative to traditional development by emphasizing mixed use, and pedestrian oriented development;
- d. Create a neighborhood identity that promotes pedestrian activity, human interactions, safety, and livability;
- e. Encourage building reuse and infill to create higher densities;
- 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 creative site planning;
- h. Enable the City to receive zoning incentive and /or density bonus payments in accordance with G. L. CH. 40R CMR 59.06 and additional Chapter 70 aid in accordance with G. L. Ch. 40S arising from the development of the AMSGO.

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

For the purposes of this Article the following definitions shall apply. To the extent that there is any conflict between the definitions set forth in this Article and the Enabling Laws, the terms of the Enabling 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 D3 of this Article.

**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. Additionally, for the purposes of the AMSGO, 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.

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

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

**Design Standards.** The document entitled Arlington Mills Smart Growth Overlay District Design Standards, approved by DHCD on \_\_\_\_ (date) \_\_\_\_, as amended, pursuant to G.L. Chapter 40R, Section 10. The Design Standards are applicable to all Projects within the AMSGO that are subject to Plan Approval by the PAA.

**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.

**Enabling Laws..** M.G. L. Chapter 40R and 760 CMR 59.00

**Mixed Use.** Structure in which residential use is permitted as of right with allowed commercial uses.

**Multi-family.** Dwelling containing four 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 are, but include setbacks and walkways. The open space shall be open and unobstructed to the sky; however, trees, planning, arbors, flagpoles, sculptures, fountains, swimming pools, atriums, outdoor recreational facilities, such items as streetscape elements ( lights, planters, benches etc. ) outdoor areas devoted to dining , café 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 AMSGO must meet under the procedures established herein and in the Enabling Laws.

**Plan Approval Authority.** For purposes of reviewing Project applications and issuing decisions on development Projects within the AMSGO, The Plan Approval Authority (PAA) consistent with the Enabling 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.

**Town House.** A residential structure, allowed by right, containing at least two dwelling units and sharing a party wall.

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

### **29-19 C3. Establishment of the AMSGO**

The Arlington Mills Smart Growth Overlay District (AMSGO) is an overlay district comprising Assessor's Map 212 lots 4-6; Map 213 Lots 2-12; Map 192 Lots 1-8; Map 193; Lot 1; Map 214 Lot 1-11, that is superimposed over the underlying district, as shown on the Zoning Map as set forth on the map entitled "Arlington Mills Smart Growth Overlay District (AMSGO)" dated December 20, 2006. 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 AMSGO is an overlay district superimposed on all underlying zoning districts. Except as limited herein, the underlying zoning shall remain in full force and effect.

#### **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 AMSGO may seek Plan Approval in accordance with the procedures of 29-19 D14 this Article. 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 AMSGO, an applicant for such approval must submit documentation ensuring that at least 20% of the total number of housing units in the Project will be affordable 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 AMSGO, 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, 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 of 0.5 or greater 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 utilities and parking, 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, 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, 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) The AMSGO shall not include the imposition of restrictions on age upon the entire District, but the development of specific Projects within the AMSGO may be 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 throughout the development of which they are part and be comparable in initial construction, quality and exterior design to other housing units in the development. The total number of bedrooms in the Affordable Housing shall, insofar as practicable, be 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 an administering agency 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 without specific unit identification.

(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 a Homeownership Housing Unit to a commercial 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 administering agency;

(9) provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the administering agency;

(10) provision that the restriction on an Affordable Homeownership Unit shall run in favor of the administering agency 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 Administering Agency 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 administering agency, in a form specified by that agency certifying compliance with the Affordability provisions of this Article and containing such other information as may be reasonably requested in order to ensure affordability;

(13) a requirement that residents in Affordable Housing provide such information as the administering agency may reasonably request in order to ensure affordability.

**6. Administering Agency.** An administering agency which may be the Local Housing Authority, or other qualified housing entity (the "Administering Agency") shall be designated by the PAA as the Administering Agency for all Projects in the AMSGO. In a case where the Administering Agency 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 Administering Agency shall ensure the following, both prior to issuance of a Building Permit for a Project within the AMSGO, 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 administering agency to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability 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 proportion of Affordable Housing Units and the proportion of market rate units shall be consistent across all phases.

**9. Computation.** Prior to the granting of any Plan Approval of a Project, the applicant must demonstrate, to the satisfaction of the Administering Agency, 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, the Affordability provisions in Subsection 29-19 D3 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, government non-profit, educational, philanthropic, day care or similar uses subject to the following:

1. Mixed use buildings shall require residential components 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.

2. 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.

b. Rehabilitation of all existing commercial and residential uses, including existing mixed use development.

c. Multifamily Residential as an adaptive reuse of existing buildings, or as new Construction.

d. Town or Row houses.

e. Artist Live / Work Units.

f. Professional and general office uses and buildings..



- g. Restaurants but all forms of drive up service windows shall be prohibited. Bars and lounges for dispensing alcoholic drinks if they are located in restaurants with seating for at least 50 people. Seasonal outdoor café's as a primary or accessory use.
- h. Retail uses provided no individual retail use exceeds 20,000 gross square feet; except that supermarkets and furniture stores may be permitted up to 65,000 gross 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 B.
- l. 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.

**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 Dimensional and Density Requirements.** The following dimensional regulations shall apply to the construction of new buildings for any of the uses permitted in the AMSGO; adaptive re-use or reuse of existing buildings for uses permitted by right or by special permit in the AMSGO are exempt from the requirements of this subsection, except for the residential density requirement as noted in item 7. below:

- a. **Maximum Building Height:** 3.5 stories and 42 feet. Chimneys, balustrades mechanical and venting roof appurtenances, stairway housing, skylights, and similar elements shall not be calculated as part of maximum building height. In the instance where a building needs to be set back more

than permitted by item 2, below, to avoid being within the 100 year flood plane, new construction shall be permitted to achieve a compensatory building height of 60 feet. However, for portions of said buildings (the façade) fronting on secondary or tertiary streets as defined in the Design Standards, the compensatory height of 60 feet shall also be permitted only if the building façade is setback at a 45 degree angle from a point of 42 feet in height, or less, up to a maximum of 60 feet.

Further, a roof terrace, not more than 50% of the floor area of the floor below, shall be permitted and all balustrades or railings on said roof terrace shall not be calculated as part of maximum building height.

b. **Minimum Front Yard Setback:** 10 feet, but in no instance shall any building have a front yard setback of more than 20 feet. Further, front porches, bay windows 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 AMSGO use abuts another use within the AMSGO and if all fire and related safety access standards 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 an AMSGO permitted use abuts a residential zoning district, a minimum building set back of 15 feet from the side lot line shall be required for new construction.

d. **Rear Yard Setbacks:** 20 feet.

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, dated November 5, 2005.

f. **Minimum Lot Size:** 10,000 square feet.

h. **Multi-family density:**

- (1). **New Construction:** A maximum of 1 dwelling unit per 1,500 square of lot area but not less than 20 units per acre.
- (2) **Adaptive Reuse:** A maximum of 1 dwelling unit per 750 square feet of lot area but not less than 20 units per acre.
- (3) **Mixed Use:** For the residential component, not less than 20 units per acre.

i. **Maximum Lot Coverage:** 90% includes all buildings and structures including surface parking areas.

- j. **Minimum Open Space:** 10% of total lot area. However, up to 50% of the total required open space of a project may be provided off site if a proposed public park is either within the AMSGO or is within 500 feet of the AMSGO and directly access accessible by pedestrian rights of way; and the developer agrees to pay the square foot development costs of said public park for each square foot of open space not provided on the project site. In no instance shall the payment be less than \$50,000.

**20-19 C9 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 AMSGO, the owner of the any proposed project will become an ongoing and participating member in the Merrimack Valley TMA.

Further AMSGO projects 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 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.

b. **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 10,000 of gross square feet of retail sales, service, office, or restaurant use, or use or any combination of allowed commercial uses in the AMSGO 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 an AMSGO 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 AMSGO 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 AMSGO project shall be designed to front on a major right of way unless 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.

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 Plan Approval Authority 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 occupancy 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 C10 Sign Control.** All development within and subject to the AMSGO shall be consistent with The Lawrence Zoning Article VI Signs, as approved through November 15, 2005, provided, however, that Section 29-20 (e) (9) political signs (iii) shall not apply in the AMSGO. Signs within the AMSGO 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 C11 Storm Water Management Standards.** Storm water management shall conform to the Commonwealth of Massachusetts Department of Environmental Protection's Storm Water Management Policies.

## **29-19 C12 AMSGO Design Standards and Guidelines**

**a. General.** In order to ensure quality development within the AMSGO 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 AMSGO. The design standards relate to the AMSGO 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 AMSGO to be realized. 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. See the full detail of Section 29-19 C12 Design Standards and Guidelines, immediately following Section 29-19 C16.

## **29-19 C13 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. The PAA shall forward a copy of the Concept Plan to the Lawrence Department of Community 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; proposed land use.
3. Open space and natural resource areas
4. 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 AMSGO.

**b. Application.** Prior to filing an application for a Plan Review with the PAA the applicant shall have received all approvals and conditions from the Lawrence Conservation Commission and Lawrence Historic Commission and shall have at least initiated the process to receive all required approvals and conditions from the Lawrence Department of Public Works and the Massachusetts Department of Environmental Protection. 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 City Council, Zoning Board of Appeals, Board of Health, Housing Authority, 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 of \$500 to cover administrative costs of the application; if an application is withdrawn and resubmitted, for any reason, the \$500 filing fee shall also be required for the resubmitted application.

3. A list of any requested waivers from any section of the ASMGO.

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 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) Extent and type of all existing and proposed surfaces (pervious and

impervious) on the property, if applicable;

- (15) Lot coverage calculations showing percentage of buildings, percentage of pavement, and percentage of open space/landscaped areas;
  - (16) Parking calculation for proposed use, including all existing use that will continue to exist on the property, if applicable;
  - (17) Calculations of the volume of earth material to be removed or filled on the property, the delineation of the location of such activity;
  - (18) Driveways and driveway openings/ entrances;
  - (19) Parking and loading spaces;
  - (20) Screening plans or treatments for all service areas and related facilities;
  - (21) Landscaping plans, in accordance with Article XIII of the Lawrence Zoning Ordinance, Landscape Regulations for Land Development Projects, dated November 19, 2007 including lighting plans and the location and size of all signs.
  - (22) Sewer, refuse and waste water disposal methods and plans;
  - (23) Storm water management facilities (drainage)
  - (24) All structures and buildings associated with the proposed and existing uses on the property;
  - (25) Exterior storage areas existing and proposed, if any, and all fences;
  - (26) Utilities and their exterior appurtenances (e.g. hydrants and other fire safety connections);
  - (27) Any existing vegetation;
  - (28) 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 D11 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 D3 c above.
8. Project plans that demonstrate compliance with all aspects of Subsection 29-19 D3 c above.
9. A form of Affordable Housing Restriction that satisfies all aspects of the requirements of Subsection 29-19 D3 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 developments of multiple buildings, drawings should also show the relationship of individual buildings to each other within the development, 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 the 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 attorney's, 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.

#### **29-19 C14 Plan Review Decision and Waivers,**

**a. Plan Review.** An application for Plan Approval shall be reviewed for consistency with the Purposes, Subsection A of this Article, and such Plan Review shall be construed as an as of right review and approval process as required by and in accordance with the Enabling 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 AMSGO, 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 D13 herein and :
2. The Project and Site Plan meet the requirements and standards set forth in Section 29-19 D13 herein, or a waiver has been granted there from:
3. The Project and Site Plan is consistent with the Design Standards Section 29-19 D12; or a waiver has been granted there from:
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 D13 herein; or
2. The Project and Site Plan do not meet the requirements of this Section and the Design Standards of Section 29-19 D12 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 site details that do not effect 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 Article.


#### **29-19 C15 Enforcement and Appeal**

The provisions of the ASMGO 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 C16 Severability**

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

  
William J. Mahoney  
City Clerk

4-30-08  
Date

# Lawrence, Massachusetts Arlington Mills Overlay District





*City of Lawrence*  
*Office of the City Clerk*  
*City Hall Room 107*  
*200 Common Street*  
*Lawrence Massachusetts 01840*

TEL: (978) 620-3230  
FAX: (978) 722-9190  
[www.cityoflawrence.com](http://www.cityoflawrence.com)

MICHAEL J. SULLIVAN  
MAYOR

WILLIAM J. MALONEY  
CITY CLERK

CAROLE MORIN  
ASSISTANT CITY CLERK

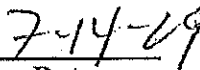
The Lawrence City Council adopted the following Zoning Map Amendments on  
May 19, 2009

The following Residential [R-2] locations have been amended to Open  
Space/Recreational [OSR] [see document #41/2009]:

Map	Block	Lot	Unit
212	0	3-2	0

Attest:

  
William J. Maloney, City Clerk

  
Date



*City of Lawrence*  
*Office of the City Clerk*  
*City Hall Room 107*  
*200 Common Street*  
*Lawrence Massachusetts 01840*

TEL: (978) 620-3230  
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WILLIAM LANTIGUA  
MAYOR

WILLIAM J. MALONEY  
CITY CLERK

CAROLE MORIN  
ASSISTANT CITY CLERK

TO: ALL CITY OF LAWRENCE DEPARTMENT HEADS  
RE: ZONING AMENDMENT  
DATE: APRIL 20, 2010

Please be informed that The Lawrence City Council adopted the following amendment to the Zoning Map effective February 17, 2010.

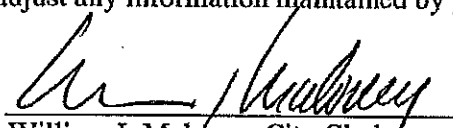
As a result of the action taken by the Lawrence City Council, the land area known as Zoning Map of parcels of land known as Map 101, Lot 26, Map 102 Lot 43, and Map 102 Lot 44 alternatively identified as 66 Parker Street, 139-141 Salem Street and a lot at the corner of Salem and Parker Street have been amended from current designations as either "Residential 2 [R-2] or Residential 3[R-3]" to a new designation of "Local Business District [B-1]". See City Council Document 348-2009.

Map	Block	Lot	Unit
101	0	26	0
102	0	43	0
102	0	44	0

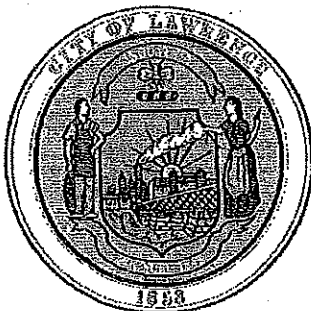
Attached is a copy of the Assessor's Map 101, Lot 26, Map 102 Lot 43, and Map 102 Lot 44, a copy of the vote of the Lawrence City Council, and a copy of the City Council Minutes referencing the vote of approval.

Please adjust any information maintained by your office concerning this parcel accordingly.

Attest:

  
William J. Maloney, City Clerk

  
Date



*City of Lawrence*  
*Office of the City Clerk*  
*City Hall, Room 107*  
*200 Common Street*  
*Lawrence, Massachusetts 01840*

TEL: (978) 620-3230  
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WILLIAM LANTIGUA  
MAYOR

WILLIAM J. MALONEY  
CITY CLERK

CAROLE MORIN  
ASSISTANT CITY CLERK

TO: ALL CITY OF LAWRENCE DEPARTMENT HEADS  
RE: ZONING AMENDMENT  
DATE: APRIL 21, 2010

Please be informed that The Lawrence City Council adopted the following amendment to the Zoning Map effective April 6, 2010.

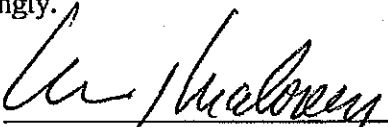
As a result of the action taken by the Lawrence City Council, the land area known as Zoning Map of parcels of land known as Map 77 Lot 47 and further alternatively identified as 42-44 Jamaica St. The Zoning Map is proposed to be amended by changing the zoning designation of the parcel of land from Residential (R-3) to B-1 (Local Business District). See City Council Document 28-2010.

Map	Block	Lot	Unit
77	0	47	0

Attached is a copy of the Assessor's Map 77 Lot 47, a copy of the vote of the Lawrence City Council, and a copy of the City Council Minutes referencing the vote of approval.

Please adjust any information maintained by your office concerning this parcel accordingly.

Attest:

  
William J. Maloney, City Clerk

4-21-10  
date



**CITY OF LAWRENCE  
DOC. 408/2010**

The Lawrence City Council adopted the following Zoning Map Amendment on February 15, 2011.

[Doc. 408/2010] Map 168, Lots 74 & 75 [alternatively identified as 55-57 Cross St.] is hereby amended by changing the prior zoning designation of the parcel of land from Residential (R-3/R-4) to Open Space/Recreation (OSR).

Attest: William J. Maloney, City Clerk

\*\*\*\*\*

**ORD#: 2011-14 -APPROVED: 2-15-11 -EFFECTIVE DATE: 3-18-11**

\*\*\*\*\*

**CITY OF LAWRENCE**  
**DOC. 409/2010**

The Lawrence City Council adopted the following Zoning Map Amendment on February 15, 2011.

[Doc. 409/2010] Map 110, Lot 64 [alternatively identified as 5-13 Guiffrida Place] is hereby amended by changing the prior zoning designation of the parcel of land from Residential (R-3/R-4) to Open Space/Recreation (OSR).

Attest: William J. Maloney, City Clerk

\*\*\*\*\*

**ORD#: 2011-15   -APPROVED: 2-15-11       -EFFECTIVE DATE: 3-18-11**

\*\*\*\*\*

## CITY OF LAWRENCE

The Lawrence City Council adopted the following Zoning Map Amendment on February 15, 2011.

[Doc. 410/2010] Map 90, Lot 42A [alternatively identified as 1-3 Howe Ct.] is hereby amended by changing the zoning designation of the parcel of land from Residential (R-3/R-4) to Open Space/Recreation (OSR).

Attest: William J. Maloney, City Clerk

\*\*\*\*\*  
**ORD#: 2011-16 -APPROVED: 2-15-11 -EFFECTIVE DATE: 3-18-11**  
 \*\*\*\*\*

**CITY OF LAWRENCE**  
**DOC. 406/2010**

The Lawrence City Council adopted the following Zoning Map Amendment on February 15, 2011.

[Doc. 406/2010] Map 108, Lot 121 [alternatively identified as 31-33 E. Haverhill St.] is hereby amended from its prior zoning designation from Business 2 (B-2) to Open Space/Recreation (OSR).

\*\*\*\*\*

**ORD#: 2011-12    -APPROVED: 2-15-11    -EFFECTIVE DATE: 3-18-11**

\*\*\*\*\*

**CITY OF LAWRENCE  
DOC. 407/2010**

The Lawrence City Council adopted the following Zoning Map Amendment on February 15, 2011.

[Doc. 407/2010] Map 170, Lot 20 [alternatively identified as 19 Spruce St.] is hereby be amended from its prior zoning designation of the parcel of land from Residential (R-3/R-4) to Open Space/Recreation (OSR).

Attest: William J. Maloney, City Clerk

\*\*\*\*\*

**ORD#: 2011-13    -APPROVED: 2-15-11    -EFFECTIVE DATE: 3-18-11**

\*\*\*\*\*

**CITY OF LAWRENCE  
PUBLIC HEARING  
DOC. 59/2011**

**Be it ordained,** that the City Council for the City of Lawrence has approved an amendment to the Zoning Map concerning parcels of land identified as Map 88 Lots 97-1 and 97-2 changing the zoning designation of said parcel of land from Residential 2 (R-2) to Secondary Business Districts (B-2) to permit moderate intensity commercial uses at a medium density, to provide larger establishments for goods and services oriented to local and regional clientele, and to ensure compatibility of all uses within the district.

Attest: William J. Maloney, City Clerk

\*\*\*\*\*  
**ORD#: 2011-Z-41      -APPROVED: 6-21-11      -EFFECTIVE DATE: 7-22-11**  
\*\*\*\*\*

## CITY OF LAWRENCE

# PUBLIC HEARING

**DOC. 58/2011**

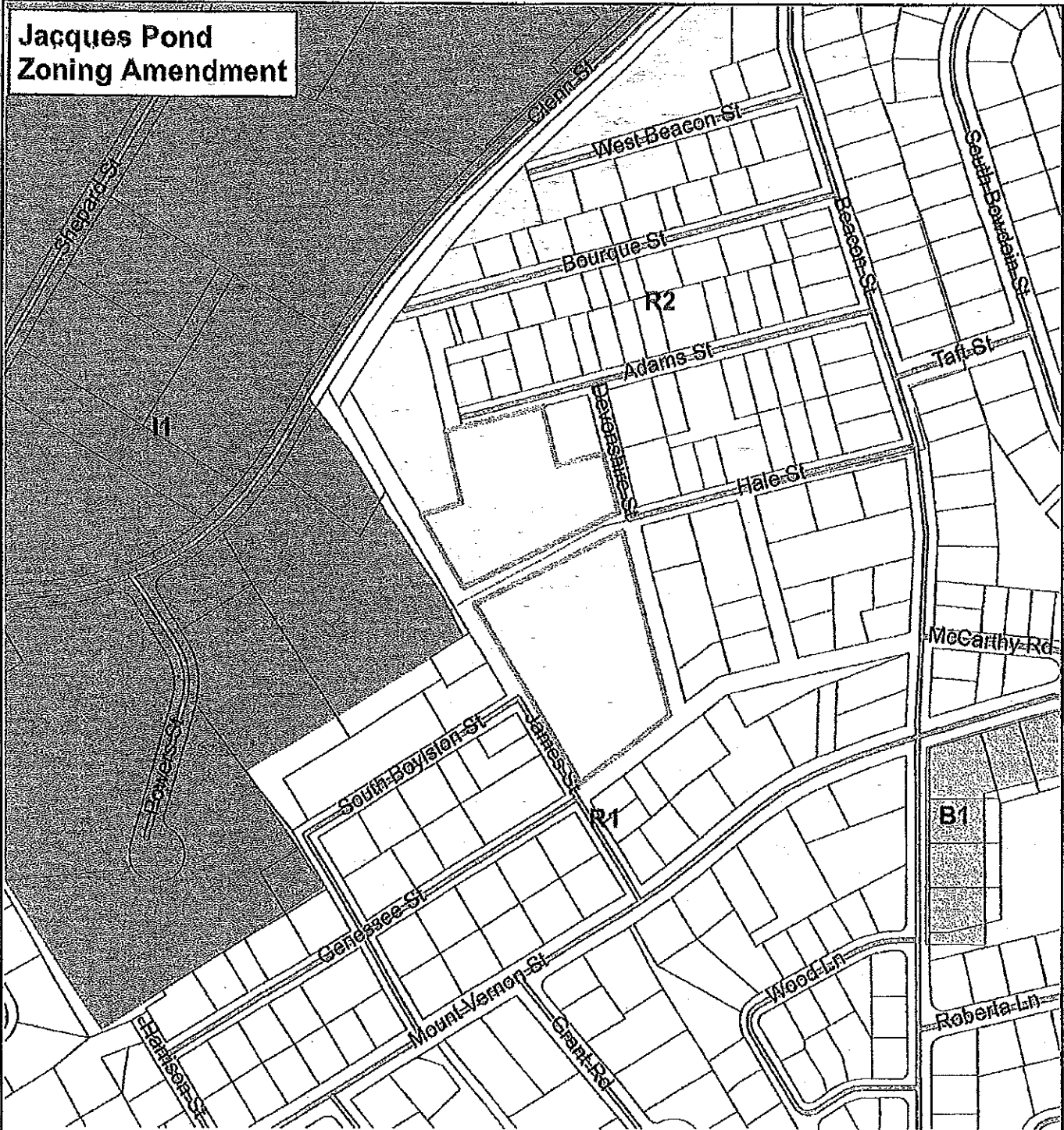
**Be it ordained, that the City Council for the City of Lawrence, MA, in accord with G.L. c. 40, Sec. 5, hereby amends the Zoning Map of the City of Lawrence, MA Map identified as Map 177 Lot 29 and Map 178 Lot 8 [alternatively and otherwise known as Jacques Pond] by changing the zoning designation of the parcel of land from Open Space Recreation (OSR) to Open Space Conservation (OSC). The purpose of the amendment is to preserve natural resources and environmentally significant areas while promoting public access for passive recreation. Only infrastructure necessary to such purpose shall be allowed (i.e. trails, educational signage, and walkways). Any use of the location subject to this approval as a "public parking area" shall be restricted unless permitted by further ordinance or required by statute. Said approval shall be subject to review and approval by the Lawrence Conservation Commission.**

Attest: William J. Maloney, City Clerk

\*\*\*\*\*  
**ORD#: 2011-Z-44                      -APPROVED: 7-12-11                      -EFFECTIVE DATE: 8-15-11**  
 \*\*\*\*\*

Doc 55/2011

# Jacques Pond Zoning Amendment



Zoning Information for  
the City of  
Lawrence, Massachusetts

Michael J. Sullivan - Mayor



**Zoning Legend**

- B1 - Local Business District
- B2 - Secondary Business District
- B3 - Main Business District
- I1 - Industrial Park District
- I2 - General Industrial District
- I3 - Limited Industrial District
- R1/R1A - Residential District
- R2/R2A - Residential District
- R3/R4 - Residential District
- HA - Highway Access District
- OSR - Open Space Recreational
- 1 - 495
- Water
- Revivendo Gateway Overlay District
- Planned Industrial Overlay District



This map is intended for demonstrative purposes only. It may not display sufficient information for legal boundary interpretation.



**LAWRENCE ZONING BOARD OF APPEALS**  
**FEE SCHEDULE**

<b>Variance</b>	<b>\$250.00</b>	Payable to the City of Lawrence
	<b>\$200.00</b>	Payable to the Eagle Tribune (for advertising expenses)
<b>Special Permit</b>	<b>\$250.00</b>	Payable to the City of Lawrence
	<b>\$200.00</b>	Payable to the Eagle Tribune (for advertising expenses)
<b>Appeal Under Sec. 29-32</b>	<b>\$250.00</b>	Payable to the City of Lawrence
	<b>\$200.00</b>	Payable to the Eagle Tribune (for advertising expenses)

**Commercial Development as Shopping center, office and/or office retail complex** (Any primarily commercial use with more than three (3) rental/ownership commercial units).

<b>Variance or Special Permit</b>	<b>\$500.00</b>	Payable to the City of Lawrence
---------------------------------------	-----------------	---------------------------------

**Multi Family Development as apartments, condominiums, town houses**  
(Anything more than three residential dwelling units)

<b>Variance or Special Permit</b>	<b>\$500.00</b>	Payable to the City of Lawrence
---------------------------------------	-----------------	---------------------------------

**VARIANCE OR SPECIAL PERMIT** for a **SUBDIVISION** is \$350.00 for the first three (3) lots and \$100.00 per lot thereafter.

---

The petitioner/applicant shall be responsible for payment of any study requested by the Board.

The petitioner/applicant shall be responsible for payment of all costs associated with the Registry of Deeds.

ONLY CERTIFIED CHECKS, BANK CHECKS OR MONEY ORDERS ACCEPTED.

Effective 9-17-10

# **LAWRENCE PLANNING BOARD** **FEE SCHEDULE**

<b>SPECIAL PERMIT</b>	<b>\$250.00</b> <b>\$200.00</b>	PAYABLE TO THE CITY OF LAWRENCE PAYABLE TO THE EAGLE TRIBUNE (for advertising expenses)
<b>SITE PLAN APPROVAL</b>	<b>\$250.00</b> <b>\$200.00</b>	PAYABLE TO THE CITY OF LAWRENCE PAYABLE TO THE EAGLE TRIBUNE (for advertising expenses)
<b>SITE PLAN APPROVAL Amendments</b>	<b>\$250.00</b> <b>\$200.00</b>	PAYABLE TO THE CITY OF LAWRENCE PAYABLE TO THE EAGLE TRIBUNE (for advertising expenses)
<b>SITE PLAN REVIEW</b> (with a public meeting)	<b>\$250.00</b> <b>\$200.00</b>	PAYABLE TO THE CITY OF LAWRENCE PAYABLE TO THE EAGLE TRIBUNE (for advertising expenses)
<b>APPROVAL NOT REQUIRED</b>	<b>\$ 50.00</b>	per lot (Buildable or not)
<b>PRELIMINARY SUBDIVISION PLANS</b>	<b>\$ 50.00</b> <b>plus \$.44</b>	per lot per abutter
<b>DEFINITIVE SUBDIVISION PLANS</b>	<b>\$150.00</b> <b>plus \$.44</b>	per lot per abutter

\*\*\*\*\*

The applicant shall pay for any study requested by the Board.

The applicant shall pay for all costs associated with the Registry of Deeds

**Payment will be made to the City of Lawrence/Eagle Tribune by Money Order or a Certified Check.**

Effective 9-17-10



# SUBDIVISION REGULATIONS

CITY OF  
LAWRENCE, MASSACHUSETTS

FEBRUARY, 1963

RULES AND REGULATIONS  
GOVERNING THE SUBDIVISION OF LAND

In the  
CITY OF LAWRENCE, MASSACHUSETTS

CITY PLANNING BOARD

CITY HALL

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## **SECTION I. PURPOSE**

1.1 These Rules and Regulations governing the subdivision of land in the City of Lawrence have been adopted in accordance with the provisions of the State Subdivision Control Law (Chapter 41, General Laws, Sections 81-K to 81-GG inclusive) for the purposes stated in said law and more particularly to:

- a. assure the City of Lawrence of a high standard of subdivision layout and design,
- b. provide for the timely installation of necessary street improvements and for the payment of such improvement costs,
- c. aid the City and its Planning Board in carrying out the objectives of the City's Master Plan

## **SECTION II. AUTHORITY**

2.1 These Rules and Regulations

Under the authority vested in the Planning Board of the City of Lawrence by the Subdivision Control Law, the Planning Board hereby adopts these Rules and Regulations governing the subdivision of land in the City of Lawrence.

2.2 No Subdivision without Approval

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the City of Lawrence or proceed with the improvement or sale of lots in a subdivision, or the construction of streets and ways, or the installation of municipal services therein, unless and until a Definitive Plan of such subdivision has been submitted to and approved by the Planning Board as hereinafter provided.

## **SECTION III. DEFINITIONS**

3.1 Inclusions

As used in these Regulations, words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The word "may" is permissive; the words "shall" and "will" are mandatory, subject, however, to the provisions of Section 8.3 hereof.

3.2 Definitions of Terms

a. As used in these Regulations, the following terms shall be defined as follows:

1. Applicant: the owner or his agent or representative, or his assigns.
2. Cul-de-sac: A minor street intersecting another street at one end and terminated at the other by a vehicular turn-around.

3. Registered land surveyor: A person certified by the Board of Registration of Professional Engineers and Land Surveyors of the Commonwealth of Massachusetts to perform the duties of land surveying.
4. Register professional engineer: A person certified by the Board of Registration of Professional Engineers and of Land Surveyors of the Commonwealth of Massachusetts to practice engineering.
5. Subdivision: The division of a tract of land into two or more lots and shall include resubdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law, if at the time when it is made, every lot within the tract so divided has frontage on (a) a public way, or (b) a way shown on a plan theretofore approved in accordance with the Subdivision Control Law, or (c) a way in existence when the Subdivision Control Law became effective in the city in which the land lies, having in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other ordinance, if any, of said city for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty feet. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the city in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

#### SECTION IV. PROCEDURE

##### 4.1. Plan Believed Not to Require Approval

- a. Any person wishing to cause to be recorded a plan of land situated in the City of Lawrence who believes that his plan does not require approval under the Subdivision Control Law may submit the original and two copies of his plan and application (See Form "A" Page XXXXXX) to the Planning Board and, if the Planning Board finds that the plan does not require such approval, it shall, without a public hearing and without unnecessary delay endorse the words "approval under the Subdivision Control Law not required," the signature of the Board's Chairman or Secretary, and the date of Board action on said plan.
- b. If the Planning Board shall determine that in its opinion the plan requires approval, it shall give written notice of such determination to the City Clerk and the persons submitting said plan.

- c. The Planning Board shall act on any such submission within fourteen days after the date of submission of the plan to the Planning Board, provided, however, if it should fail to act within such period, such failure to act shall be deemed to be approval as in a. above in accordance with the provisions of the Subdivision Control Law.
- d. Upon endorsement by the Planning Board of a plan not believed to require approval under the Subdivision Control Law, the Planning Board shall file a copy of such plan at the Registry. The cost of the filing of said plan shall be borne by the petitioner.
- e. Approval of a plan believed not to require approval under the Subdivision Control Law shall be given by the Planning Board, or to a person or persons designated by the Planning Board to approve and sign such plan.
- f. All streets on a plan submitted to the Planning Board that is believed not to require approval shall be designated as private or public ways, and attested to by a Registered Professional Engineer, Registered Land Surveyor, or both.

#### 4.2 Preliminary Plan, General

- a. Preliminary Plan for a subdivision may be submitted to the Planning Board in advance of the submission of a Definitive Plan. Such Preliminary Plan shall be accompanied by a fully executed application form (See form "B"). Said Preliminary Plan may also be submitted to the Board of Health for its comments. The submission of such plan to the Planning Board and the Board of Health will allow these agencies to join with the applicant to clarify any problems involved before the Definitive Plan is prepared, and the use of this procedure is strongly recommended in each case.
- b. The applicant shall file with the City Clerk by delivery or registered mail a notice stating the date of submission to the Planning Board of such plan and a copy of the application form.
- c. The Planning Board may give such Preliminary Plan its tentative approval, with or without required modifications. *Such tentative approval shall not constitute approval of a subdivision.* The Planning Board shall act on such Preliminary Plan within sixty days, in accordance with the Subdivision Control Law.

#### 4.3 Preliminary Plan, Requirements

For the purpose of these regulations, the definition of "Preliminary Plan" shall mean a plan of a proposed subdivision or re-subdivision of land drawn on tracing paper, or a print thereof, showing (a) the subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan"; (b) the names of the record owner and the applicant, registered professional engineer or registered land surveyor, or both; (c) the names of all abutters, as determined from the most recent tax list; (d) the existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner; (e) the proposed system of drainage, including adjacent existing natural



waterways shall be laid out by a registered professional engineer in a general manner; (f) the approximate boundary lines of proposed lots, with approximate areas and dimensions; (g) the names, approximate location and widths of adjacent streets; and (h) the topography of the land in a general manner.

#### 4.4 Preliminary Plan, Additional Requirements

The Preliminary Plan shall be at a scale 1" = 40' and shall be on a sheet no larger than 24" x 36". Four prints shall be filed at the Office of the Planning Board and one print with the Board of Health. During the review and discussion of the Preliminary Plan the complete information required for the Definitive plan (see Sections V and VI) shall be developed and the required financial arrangements to cover the cost of improvements (see sub-section 4.8) shall be arranged.

#### 4.5 Definitive Plan, Submission

- a. Any person wishing to cause to be recorded a Definitive Plan of a subdivision shall submit an original ink drawing on tracing cloth of said Definitive Plan and five prints thereof (dark line on white background) to the Planning Board. Said plan shall be accompanied by a fully executed application form (See form "C"). The cost of the publication shall be borne by the applicant. In addition a minimum filing fee of \$10.00 shall accompany the submission.
- b. The original drawing will be returned to the applicant after approval or disapproval by the Planning Board.
- c. The applicant shall file by delivery or registered or certified mail a notice with the City Clerk stating the date of submission for approval and accompanied by a copy of the application form.
- d. The Definitive Plan shall conform in all respects to the specifications for such plan as stated in Section V.

#### 4.6 Definitive Plan, Board of Health Review

Within ten days after submission of the Definitive Plan to the Planning Board, said Board shall transmit one print thereof to the Board of Health. Where said plan does not provide for a project or public water and sewer system and where the subdivider has agreed to construct individual water or sewer facilities, the Board shall also transmit a written statement setting forth the pertinent sections of the agreement.

If the Board of Health is in doubt whether any of the land in the subdivision can be used as building sites without injury to public health, it shall, as required by statute, so notify the Planning Board within 45 days.

#### 4.7 Definitive Plan, Public Hearing

Before approval, modification and approval, or disapproval of the Definitive Plan is given, a public hearing shall be held by the Planning Board, notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the Planning Board by advertisement in a newspaper of general circulation in the City of Lawrence once in each of two successive weeks, the first publication being not less than fourteen days before the day of such hearing, and by mailing a copy of

such advertisement to the applicant and to all owners of land abutting upon the land included in such plan as appearing on the most recent tax list.

#### 4.8 Completion of Required Improvements

- a. Before the Planning Board shall approve any Definitive Plan the applicant for such approval shall agree in such form as the Board may require to complete the required improvements, as specified in Section VII or as otherwise determined by the Board, in accordance with the alternatives permitted by the Subdivision Control Law. (All applicants are referred to said law, Section 81-U, for the detailed requirements of this aspect of subdivision approval procedure.)
- b. The Planning Board may require, in those cases where in its opinion it is necessary, the submission of separate construction detail sheets and other data to permit an accurate record of exactly what is to be built.
- c. Upon completion of construction, detail plan sheets of the improvements as they were installed shall be signed by a Registered Professional Engineer and submitted to the Planning Board.

#### 4.9 Definitive Plan, Action Taken by Planning Board, Certificate of Approval

- a. The action of the Planning Board with respect to a Definitive Plan shall be by majority vote, copies of which shall be certified and filed with the City Clerk and sent by delivery or registered mail to the applicant.
- b. If the Board modifies or disapproves a plan, it shall state in its record the reasons for such action, in detail.
- c. The Planning Board's approval of a plan shall be endorsed on the original drawing of the Definitive Plan with the wording "approved by the Planning Board of the City of Lawrence" together with the signature of the Chairman and Secretary and the date of Board action giving final approval. Such endorsement shall occur after the twenty-day period required by the Subdivision Control Law.
- d. After the Definitive Plan has been approved and endorsed, the applicant shall provide the Planning Board with three prints of the approved plan.
- e. Planning Board action on any Definitive Plan shall take place within the sixty-day limit set by law, or, if the Board fails to act within such period, the further provisions of the Subdivision Control Law shall apply.

#### 4.10 Planning Board action and other ordinances

No action by the Planning Board on the approval of any subdivision shall be construed to reduce the provisions of any code or ordinance which imposes a greater restriction.

## SECTION V. SPECIFICATIONS FOR DEFINITIVE PLAN

### 5.1 Drawing and Scale

- a. Each Definitive Plan shall be prepared by a registered professional engineer or registered land surveyor and shall be clearly and legibly drawn in black India ink (or comparable technique) upon tracing cloth.
- b. Plans shall be at a scale of one inch to forty feet. Sheet sizes shall conform to the following dimensions: 12" x 18" 18" x 24" or 24" x 36", or if multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. Upon a request by the applicant the Planning Board at its discretion may allow plans on larger sheets.

### 5.2 Information Required on Plan

- a. Subdivision name, boundaries, north point, date of drawing and scale.
- b. Name and address of record owner, sub divider or applicant, registered professional engineer and registered land surveyor.
- c. Names of all abutters as they appear in the most recent tax list.
- d. Lines of existing and proposed streets, ways, lots, easements, and public and common areas within the subdivision, all accurately shown so that they may be reproduced on the ground.
- e. Street names, shown in pencil to permit their change where necessary.
- f. Location of all permanent monuments properly identified as to whether existing or proposed.
- g. Location, names and present widths of streets bounding, approaching, or within 100 feet of the subdivision.
- h. Indication of the purpose of all easements.
- i. Suitable space to record the action and endorsement of the Planning board as required in Section IV, subsection 4.8c.
- j. Existing and proposed topography at a five-foot contour interval or such other interval as may be required in a particular case by the Planning Board. The contour map shall be at a scale of 1" = 40'. This may be submitted as a separate sheet. The elevation shall refer to the City of Lawrence benches.
- k. Existing and proposed centerline profile of existing and proposed streets for normal cross-sections. The proposed profile will have a horizontal scale of 1" = 10'. This may be submitted as a separate sheet. If the cross section of the street is not normal, additional street profiles may be required.
- l. Proposed layout of storm drainage, water supply and sewage disposal systems. This may be submitted as a separate sheet.
- m. Statement by the Registered Professional Engineer, Registered Land Surveyor, or both stating the date the information on the Definitive Plan was said to be in existence. If the information shown on the Definitive Plan was obtained more than one year prior to the submission of the Definitive Plan to the Planning Board, it shall be updated to show existing conditions and certified by the Registered Professional Engineer, Registered Land Surveyor or both.

### 5.3 Performance Guarantee

Before approval of the Definitive Plan of a subdivision, the Planning Board shall require a provision for the construction of ways and the installation of municipal services in accordance with the rules and regulations of the Planning Board. Such construction

and installation is to be secured by one, or in part by one and in part by the other, of the methods described below, which method may be selected and from time to time varied by the applicant.

- a. By a proper bond or a deposit of money or negotiable securities, sufficient in the opinion of the Planning Board to secure performance of the construction of ways and the installation of municipal services required for lots in the subdivision shown on the plan, and the Planning Board may require that the time be specified within which such construction and installation shall be completed. The applicant shall except as hereinafter provided, file with the Planning Board a bond in form satisfactory to said Board (form D) and the City Solicitor, and conditioned on the completion and installation in the field, of the ways, public utilities and other utilities and physical improvements shown or noted on the Definitive Plan, and such as are required by the Board. The final sum of such a bond shall be equal to one hundred percent of the cost estimated by the City Engineer of all required installations and improvements. The bond shall be executed by the sub divider as principal and a surety company authorized to do business in the Commonwealth of Massachusetts and satisfactory to the Board as surety, or secured by the deposit with the City Treasurer of cash or negotiable securities in an amount equal to the penal sum of the bond.
- b. By a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be provided to serve any lot before such lot may be built upon or conveyed other than by mortgage deed; provided, that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such lot, subject to that portion of the covenant which provides that no lot shall be built upon until such ways and services have been provided to serve such lot; and provided, further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board. A deed of any part of the subdivision in violation hereof shall be voidable by the grantee prior to the release of the covenant but not later than three years from the date of such deed.

## SECTION VI. STANDARDS FOR SUBDIVISION DESIGN

### 6.1 Purpose

As a guide in the review of a Preliminary Plan or a Definitive Plan, the Planning Board shall apply the following standards of street and land layout to determine if the proposed subdivision will be an acceptable addition to the city's developed area.

### 6.2 Streets, Location and Layout

- a. All streets shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular travel. Consideration will also be given to the attractiveness of the layout so that the maximum livability and amenity can be obtained.
- b. Streets shall conform to the Planning Board's master Plan as adopted and as it may be amended.
- c. Provision shall be made for the proper projection of streets into adjoining area to provide a convenient pattern. Turn-arounds shall be required in conformity with the Subdivision Control Law.

- d. Reserve strips preventing access to adjoining streets or property shall not be permitted unless their value can be clearly demonstrated to be in the public interest.
- e. Street jogs with centerline offsets of less than 125 feet shall be prohibited.
- f. Curved streets shall have a minimum centerline radius of one hundred feet, with greater radii required for principal streets.
- g. Streets shall be laid out so as to intersect as nearly as possible at right angles.
- h. Property lines at street intersections shall be laid out and rounded to permit a radius of not less than twenty-five feet at the street line.
- i. Cul-de-sacs shall not be longer than four hundred feet unless a greater length is needed to solve some unusual local condition. Turn-arounds at the end of cul-de-sacs shall have an outside property line diameter of not less than one hundred fifteen feet.
- j. Dead end streets other than cul-de-sacs shall not be acceptable except by specific approval of the city engineer.

### 6.3 Streets, Width and Grade

- a. The minimum width of street rights-of-way shall be fifty feet. A greater width shall be required by the Planning Board when a proposed street is shown as a secondary street on the Master Plan, or when the street will be required to carry excessive traffic loads in the future due to some foreseeable land use condition.
- b. Grades of streets shall not be less than 1.0 percent and shall not exceed 6.0 percent, except for short runs on local streets where grades shall not exceed 12.0 percent.

### 6.4 Easements

- a. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least twenty feet wide.
- b. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Planning Board may require a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such water carrying facility and to provide space for present or future construction or maintenance purposes.

### 6.5 Open Spaces

- a. Before approval of a Definitive Plan, the Planning Board may, in accordance with the provisions of the Subdivision Control Law, require the plan to show a park or parks suitably located for a playground or recreation purposes.
- b. Due regard shall be shown for all beneficial natural features such as large trees, water courses and scenic views, or historic spots and similar community assets, the preservation of which will add to the attractiveness and value of the subdivision.

### 6.6 Building Lots

- a. In accordance with the Subdivision Control Law, the Planning Board may require that streets be laid out so as to permit the development of land area in conformity with the provisions of the City of Lawrence Zoning Ordinance and, where applicable in a particular zoning district, the erection of only one building for dwelling purposes on each future lot, the frontage of which shall be no less than 40 feet.

- b. The block length in no instance shall exceed 1,000 feet.

#### 6.7 Waiver of Compliance

In accordance with the subdivision Control Law, the Planning Board may waive one or more of these standards if, in the opinion of the Board, a better development will result and the intent of these rules and regulations is served. Any such waiver shall be entered on the Board's record together with the reasons therefore.

### SECTION VII. SPECIFICATIONS FOR REQUIRED IMPROVEMENTS

#### 7.1 Street and Roadway

The construction of pavement and other roadway appurtenances shall conform to the specification of the Director of Engineering and the City Engineer of the City of Lawrence in effect at the time of review of the subdivision.

#### 7.2 Utilities

- a. Sewer pipes and appurtenances shall be constructed in conformity with the requirements of the Director of Engineering and City Engineer.  
The developer, at his own expense, shall install capped sewer lines approved by the City Engineer areas that are expected to be served by the city sewer system in the foreseeable future.  
In areas deemed by the Board of Health to be unsuitable for septic tanks, connections to the city sewer system as approved by the City Engineer is required.
- b. Storm water drainage facilities shall be constructed in conformity with the requirements of the Director of Engineering and the City Engineer.
- c. Water pipes and appurtenances shall be constructed in conformity with the requirements of the Water Commissioner and the Director of Engineering.

#### 7.3 Sidewalks

Unless otherwise required by the Planning Board, sidewalks shall be planned and constructed in conjunction with the roadway of streets and shall be built in conformity with the requirements of the Director of Engineering and the City Engineer.

#### 7.4 Monuments

Monuments shall be installed at all street line intersections, at all points of change of direction, at points of curvature and tangency, on curvature of streets and at other points where, in the opinion of the Planning Board, permanent monuments are necessary. Monuments shall be placed at a distance no greater apart on any line than shall be visible from the adjacent monuments by ordinary surveying techniques. Monuments shall conform to the requirements of the Director of Engineering and the City Engineer, and shall not be installed permanently until all construction which could disturb them is completed.

## 7.5 Street Lighting

Lighting standards shall be constructed in conformity with the requirements of the Director of Safety.

## SECTION VIII. MISCELLANEOUS PROVISIONS

- 8.1 If any section, paragraph, clause or provision of these regulations shall be declared invalid, such invalidity shall apply only to the section, paragraph, clause or provision so invalidated and the remainder of these regulations shall be deemed valid and effective.
- 8.2 These rules and regulations shall become effective ....., after which date building permits shall be issued only for lots existent prior to the adoption of the regulations or created in accordance with these regulations.
- 8.3 If an applicant desires a variance of any provision of the foregoing regulations, he shall include a request therefore, with a statement of reasons for such request, with the application for the approval of the preliminary or definitive plan.

PLANNING BOARD – CITY OF LAWRENCE

FORM A

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

Lawrence, MA \_\_\_\_\_ 20\_\_\_\_

TO THE PLANNING BOARD:

The undersigned, believing that the accompanying plan of his property in the City of Lawrence does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

1. Name of Applicant \_\_\_\_\_  
Applicant Address \_\_\_\_\_  
\_\_\_\_\_
2. Name of Engineer or Surveyor \_\_\_\_\_  
Address \_\_\_\_\_
3. Deed of Property recorded in Essex North District Registry of Deeds,  
Book \_\_\_\_\_, Page \_\_\_\_\_.
4. Premises Affected (Location and Description of Property):

4A. Number of dwelling units in existing structures: \_\_\_\_\_ D.U.

Signature of Owner \_\_\_\_\_



PLANNING BOARD – CITY OF LAWRENCE

FORM B

APPLICATION FOR TENTATIVE APPROVAL  
OF PRELIMINARY PLAN

File one completed form with the Planning Board and one copy with the City Clerk in accordance with the requirements of Section IV, Subsection 4.2.

Lawrence, MA \_\_\_\_\_ 20\_\_

To the Planning Board:

The undersigned herewith submits the accompanying Preliminary Plan of property located in the City of Lawrence for tentative approval as a subdivision as allowed under the Subdivision control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board in the City of Lawrence.

1. Name of Subdivider \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_
2. Name of Engineer or Surveyor \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_
3. Deed of Property recorded in Book \_\_\_\_\_  
Page \_\_\_\_\_ Registry of Deeds.
4. Location and Description of Property: (use additional sheet if necessary)

Signature of Owner \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_

A list of the names and addresses of the abutters of this subdivision is attached.  
Verification will be made by the Planning Board.

PLANNING BOARD – CITY OF LAWRENCE

FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

File one completed form with the Planning Board and one copy with the City Clerk in accordance with the requirements of Section IV, Subsection 4.5.

Lawrence, MA \_\_\_\_\_ 20\_\_\_\_

To the Planning Board:

The undersigned herewith submits the accompanying Definitive Plan of property located in the City of Lawrence for approval as a subdivision under the requirements of the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board in the City of Lawrence.

1. Name of Subdivider \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_
2. Name of Engineer or Surveyor \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_
3. Deed of Property recorded in Book \_\_\_\_\_  
Page \_\_\_\_\_ Registry of Deeds.
4. Location and Description of Property: (use additional sheet if necessary)

Signature of Owner \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_

A list of the names and addresses of the abutters of this subdivision is attached.  
Verification will be made by the Planning Board.

PLANNING BOARD – CITY OF LAWRENCE

FORM D

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS

That I (we) \_\_\_\_\_  
Of \_\_\_\_\_ in the  
County of \_\_\_\_\_ and in the Commonwealth  
Of Massachusetts principal, and \_\_\_\_\_

Surety Company as surety, are holden and stand firmly bound and obliged unto the  
City of Lawrence in the full and just sum of \_\_\_\_\_ dollars to be paid to  
said City of Lawrence, to the true payment whereof we bind ourselves and each of  
us, our successors and assigns and our heirs, executors and administrators jointly  
and severally by these presents.

The condition of this obligation is such that if the above bounden  
\_\_\_\_\_ his (its) (their) heirs,  
executors, administrators and assigns, shall in all things stand to abide by and well  
and truly keep and perform, in the time and in the manner specified, the covenants,  
conditions and agreements contained in an application executed by him (it) (them)  
and dated \_\_\_\_\_ 20\_\_\_\_\_, under which  
approval of requirements of a plat of a certain subdivision bearing the name of  
"\_\_\_\_\_" has been granted, then  
this obligation shall become and be null and void; otherwise it shall remain in full  
force and effect.

Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Principal)

\_\_\_\_\_  
(Surety)