

## **Zoning Analysis**

### **1.0 Introduction**

For zoning to be an effective community development tool, it must recognize the unique land use characteristics of the various portions of the community. The Lawrence Zoning Ordinance has numerous features that are appropriate to the development pattern of the community. However, in some cases, there is a tendency to employ a "one size fits all" approach.

The Reviviendo Gateway District (Gateway) is characterized by access to the regional highway network and the historic land use patterns of the North Common neighborhood, downtown Lawrence, and the Mill District. In this area, the current zoning ordinance creates unnecessary obstacles to reinvestment. The redevelopment potential, as outlined in the vision statement, cannot be achieved given current zoning regulations. These regulations minimize reinvestment opportunities for both residential and commercial development by creating use, rehabilitation, and procedural barriers that effectively minimize property values, regardless of the regional access and historic attributes of the area.

The following report illustrates specific zoning issues that, taken individually and together, need to be addressed if long-term and sustainable reinvestment is to occur consistent with the goals of the Reviviendo Gateway Initiative.

### **2.0 Residential Use**

The role of housing is an often overlooked but key element in any long-term economic development effort. In many instances housing is the important initial step necessary to attract new commercial activity, since it creates a market for local business activity. Specifically, new housing provides additional disposable income and is the major factor in creating a viable primary market area. For any area to become a functioning regional commercial center it needs first to become a successful local commercial center. It is highly unlikely that a failed or underachieving commercial area will attract regional attention. Future regional economic success depends on the short-term reconstruction of the primary market area, and additional housing is the key to a successful primary market area.

Unfortunately, our review indicates that current zoning policies discourage residential reinvestment. Essentially, the normal residential rehabilitation process has been short-circuited by a number of dimensional, use, and procedural requirements. We find that the following issues need to be addressed if long-term and sustainable redevelopment of any significant volume is to occur.

#### **a) Minimum Lot Sizes**

The current lot minimum of 10,000 square feet in the Residence 3 (R3) District, a zoning district that comprises almost half of the Reviviendo Gateway District, has no relationship to the historic or existing lot sizes in the area. The current regulations essentially create a large number of non-conforming lots. The overall effect is to discourage residential investment by making reuse of existing residential lots contingent on difficult lot consolidation efforts or by Board of Appeal decisions that can be easily appealed. Requiring a suburban residential density at the urban core of the community increases the cost of housing both in terms of land assembly and procedural

complications. The net effect is to reduce the property value of existing residential lots in an area that already exhibits some the lowest residential property values in the Commonwealth.

#### **b) Dwelling Unit Density**

The requirement of one dwelling per 5,000 square feet essentially prevents two-family developments on lots less than 10,000 square feet. Ironically, many quality two-family neighborhoods in Lawrence are comprised of lots with less than 10,000 square feet and with a development density less than one dwelling unit per 5,000 square feet.

The one unit per 5,000 square feet of lot area requirement simply compounds the negative impact of the current minimum lot requirements. It seriously retards the development of a new two-family house on lots less than 10,000 square feet. Section 29-13e permits rehabilitation and alteration of existing one- and two-family houses on “undersized” lots, but it does not allow for new construction on “undersized” lots nor does it protect the many three- and four-family dwellings in the Reviviendo Gateway District. While the requirements of 29-13e are logical for many portions of Lawrence, they are very problematic in the urban core. By establishing residential density standards that diminish rehabilitation options for 3- and 4-family homes, the current zoning undermines property value and the long-term economic viability of the Gateway.

#### **c) Yard Setback Requirements**

Similar to the existing lot size and density requirements, the side yard setback requirement creates an obstacle to logical residential development. As required, the 12-foot side yard produces a 26-foot building zone (or less) for the vast majority of lots in the R3 District. Twenty-six feet or less is not impossible building width for new construction, but it is not a typical new house width. In this instance the side yard requirements can make the difference between seeking a dubious variance, or assuming the added costs and risks of building an atypical layout; or it can result in no investment.

In some portions of the community the current side yard standard may be appropriate but at the historic core, the side yard requirements in conjunction with lot size and unit density restrictions combine to create another economic hurdle hindering residential reuse and investment.

#### **d) Lot Coverage**

The current lot coverage requirement is the clearest example of a dimensional regulation undermining residential use and investment in the Gateway. In the R3 district, all the other residential disincentives notwithstanding, if you can assemble a 10,000 square foot lot your house can cover only 15% of the lot. The resulting building footprint is very small; i.e. 750 square feet. While it is possible to build a house at this scale it is not cost effective, and it certainly restricts the development of two-family houses. Thus, the current zoning provides yet another obstacle to residential use in an area least able to absorb extra development costs. However, the lot coverage obstacle is not a community wide phenomenon. For example, the R1 residential district also requires a 10,000 square foot lot, but here the owner is allowed a 30% building coverage, so he or she can build a cost efficient house footprint of 1,500 square feet. Yet in the historic urban center, there is a clear zoning policy to make houses smaller. This policy adds another layer of economic inefficiency into an area that clearly requires economic incentives.

### **e) Row or Town House**

The current zoning has no line item clearly permitting the development of town or row houses, a highly efficient and effective form of single family housing in urban centers throughout the nation. Further, even if permitted the current density requirements would prevent logical and economic development of this form of single-family development.

### **f) Restrictions on Multi-family Dwellings**

In the R3 district *rehabilitation* of multi-family buildings requires a special permit. Essentially, the current policy discourages investment into existing multi-family buildings by forcing a time consuming, expensive, and discretionary procedure as a requirement for residential rehabilitation. The normal reinvestment process, encouraged almost everywhere in the nation, is subject to a discretionary review by the Board of Appeals in the Reviviendo Gateway District.

Further, it should be noted that R3 and R4 are classified as multi-family districts in the Lawrence Zoning Ordinance. However, not only can an owner not rehabilitate a multi-family building without entering into a discretionary process, an owner in these multi-family districts *is not permitted to build multi-family housing by right*. The R3 and R4 Districts are the only two zoning districts in Lawrence where the primary use of the district is not allowed by right.

Given current regulations, even if a special permit is granted, using section 29-23i, the density limitations noted above will permit only 8 units per acre, thus effectively making the exercise moot. A density of 8 units per acre is less than the multi-family density allowed in most suburban towns; indeed it is a lower density than many of the more stable and viable neighborhoods of Lawrence. For all practical purposes privately financed multi-family development at any meaningful scale is not allowed in the Reviviendo Gateway District.

### **g) Parking Requirements**

Parking is often an economic restriction on residential development due to the high cost of providing adequate on-site spaces. While parking is a necessary expense, in urban environments parking regulations are particularly onerous for residential rehabilitation projects. In Lawrence two off-street parking spaces are required for a two-bedroom unit. Thus current zoning equates a two-bedroom apartment to a four-bedroom single family home in terms of parking demand. The unduly high parking requirement not only ignores the possibility and potential of other off street parking arrangements in the urban center, it adds considerable cost to housing development that cannot be readily absorbed given the residential property values in the Reviviendo Gateway District.

### ***Summary***

Taken as individual or collective restrictions, it is clear that residential development in the Gateway faces severe regulatory and economic obstacles. Surely, any residential project can be approved as a variance request as long as one is willing to risk an unfavorable decision by the ZBA or a judicial appeal pursuant to Chapter 40A. However, this practice cannot be considered a logical community development standard or an indication of appropriate zoning policies.

Taken as a whole, current zoning clearly discourages residential development, particularly multi-family rehabilitation. While current zoning may be appropriate for other areas of the community,

for the Reviviendo Gateway District it depresses residential land values and prevents residential reinvestment from serving as the basis of a long-term economic revival.

### **3.0 Commercial Uses, Business 2 and 3 Districts**

Similar to the impact on residential uses, the current zoning regulations in the Business-3 (B3) District creates unnecessary difficulties for traditional reinvestment and rehabilitation activities.

#### **a) Rehabilitation of Commercial and Mixed Use**

Consistent with a zoning approach that limits direct investment into existing structures, the B2 and B3 districts require that any rehabilitation of mixed-use or commercial property receive a special permit. While this process has allowed some development to occur, on a competitive level it places downtown Lawrence and adjacent commercial areas in a disadvantageous position. Essentially, an uncertain discretionary process (Section 29-23hh) becomes the basis of redevelopment, not a community plan or consistency with a historic and traditional land use pattern. The above restrictions seem more incongruous since new commercial / residential mixed-use are allowed by right. Thus, to invest in the historic architectural image of the downtown (B2 and B3 Districts) requires a special permit, however, developing a vacant lot or a lot created by removing a building is allowed by right.

Requiring that all rehabilitation be subject to a special permit creates an imbalanced approach to commercial investment in the B2 and B3 portions of the Gateway. The current policy makes meaningful long-term planning difficult, and creates yet another economic hurdle to investing in existing buildings and the architectural heritage of the area.

Finally, there is a use anomaly relative to liquor stores. Liquor sales require a special permit in the B3 District, which encompasses downtown Lawrence, while they are allowed by right in Neighborhood and Local Business Districts (B1 and B2).

#### **Summary**

The Business 3 District does allow for significant uses. However, the ordinance-wide bias against rehabilitation by right creates a significant economic disadvantage that minimizes revitalization options and may inadvertently lead to the loss of important architectural quality.

### **4.0 Industrial Use**

Lawrence has the infrastructure for a regional industrial / commercial center, but it cannot unlock that potential under current zoning policies. The nineteenth century textile mills that characterize the Industrial 2 (I2) District are a wonderful symbol of Lawrence. The mills have a number of adaptive reuse possibilities, some of which have been realized. However, the zoning ordinance has a number of economically significant restrictions based on obsolete perceptions of modern industrial activity. These restrictions are hindering the true potential of the Mill District. In many instances the Table of Uses permits low value uses by right and hinders high end uses by requiring special permits or not allowing a particular use.

### **a) Printing, Publishing and Sign Making**

While trucking is permitted by right, the ordinance has failed to recognize that the printing and publishing industry is no longer ink-based and continues to prohibit such high-tech computer generated activities. Further, some of the reasons for a special permit seem dubious or no longer germane. For example, the primary reason to require a special permit for a printing establishment is to require a fence around the property and to require a loading dock. Similarly, sign making requires a special permit in the Industrial 2 District, and the only special permit criterion is a buffer or fence requirement. To move major uses into a discretionary use category for seemingly minor requirements that can be handled elsewhere in the ordinance minimizes the economic value of the entire I2 district.

### **b) Biotech**

Biotech is allowed only by special permit and then only with the stipulation that biotech-manufacturing activity not exceed 50% of the floor area. Since I2 is an Industrial District it is unclear why a modern industrial use would be prohibited from more than 50% of the floor area, and why the industrial use in general could not simply be allowed as of right. One of the most valuable industrial uses in the modern economy is subject to a special permit to ensure that it does not become a manufacturing facility in a manufacturing district. Clearly, given modern realities the current zoning restrictions need to be reconsidered.

### **c) Residential Use**

Nationwide, textile mills have proven to be spectacular residential venues either as stand alone or as mixed-use buildings. However, the current zoning specifically excludes residential and commercial mixed use in the I2 District. Thus the ability to create a lively ground floor environment with residences above is noticeably lacking in the current zoning. Residential use is allowed as a stand-alone use by special permit. However, this requires the ground floors to be used for residential purposes, a function not always practical in older buildings. Further, while permitted by special permit, the parking requirement of two spaces per two-bedroom unit remains a considerable economic obstacle for viable residential reuse.

## **5.0 Arts and Culture**

The ordinance is silent on artist live / work space, a use type that has a proven track record as a catalyst for revitalization. While said use does exist in the area, the potential is minimized without clear development guidelines. The ordinance needs to provide clear guidelines and incentive in the I2 District for artist live / work space.

Further, the ability to build a theatre or a performing arts center in either the downtown or Mill District is not clear. The ordinance allows a theatre by special permit but the special permit requirements state that use must "abut" a "major thoroughfare". Centers for performance, large or small, can be critical elements for community development and identity and should be encouraged as part of the overall redevelopment strategy.