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MEMORANDUM

TO: Thomas A. Golden, Jr. City Manager 

FROM: Christine McCall, Assistant City Manager/DPD Director

DATE: August 9, 2022

SUBJECT: INFORMATIONAL – Gallagher Station TOD Draft Overlay District

The Department of Planning and Development is pleased to provide a draft Transit Oriented Development Plan for the area surrounding the Gallagher Train Station for the City of Lowell. At the end of last year, the City received a grant from MassDevelopment to create a TOD Plan within a 1/2 mile radius of the Station. The goal of this plan is to promote revenue generating commercial and high density residential land uses, alternative transportation options, open space, and entertainment/recreational amenities, as well as comply with the new multifamily zoning requirements for MBTA communities.

Attached to this memorandum is a DRAFT zoning ordinance for review. The DPD recommends referring this to the City Council Zoning Subcommittee for review. The City of Lowell is required to have a compliant zoning district by 2024.

CMM

Attachment

Cc: Fran Cigliano, Senior Planner

LOWELL MULTI-FAMILY OVERLAY – HIGH-RISE (MFOH)

Draft as of 6/30/22

XX.XX.XX Purpose

The purpose of this Section XX is to establish the Multi-Family Overlay – High-Rise, to permit transit-oriented, multi-family housing construction in accordance with the purposes of M.G.L. Chapter 40A, Section 3A. Projects within the Lowell Multi-Family Overlay – High-Rise zone that do not have a majority of the gross square footage of building area dedicated to Residential uses shall refer to the underlying zone(s) for dimensional requirements, parking requirements, development guidelines, and permitted uses.

XX.XX.XX Establishment of District

The Lowell Multi-Family Overlay – High-Rise, hereinafter referred to as the “MFOH,” is an overlay district having a land area of approximately 7 acres in size that is superimposed over the underlying zoning district(s) and is shown on the Zoning Map for the City of Lowell.

XX.XX.XX Permitted Uses

The following uses are permitted as-of-right for Projects within the MFOH. Projects of any use not specifically identified as allowed under this Section XX shall refer to the list of allowable uses in the underlying zone(s).

A Project within the MFOH may include:

1. Two detached or attached dwelling units on a lot occupied by not more than one family each
2. Three (3) dwelling units on one lot (in any combination of single-family detached dwelling units, attached or semi-detached dwelling units, multi-family structures, or as a part of a mixed-use project with other uses allowed in the district, including townhouse developments)
3. Four to six (4-6) dwelling units on one lot (in any combination of single-family detached dwelling units, attached or semi-detached dwelling units, multi-family structures, townhouses, or as a part of a mixed-use project with other uses allowed in the district, including townhouse developments)
4. Seven (7) or more units on one lot (in any combination of single-family detached dwelling units, attached or semi-detached dwelling units, multi-family structures, or as a part of a mixed-use project with other uses allowed in the district, including townhouse developments)
5. One or two dwelling units in a building with a legal non-residential use on the ground

XX.XX.XX Dimensional Requirements

Table of Requirements. The dimensional requirements applicable to Projects in the MFOH with a majority of the gross square footage of building area dedicated to Residential uses are as follows:

Requirement	MFOH
Maximum height (feet, stories)	200, 15
Minimum lot area per unit (square feet)	0
Minimum front yard (square feet)	0
Minimum side yard (feet)	0*
Minimum usable open space per unit (square feet)	0

*Podium, with 30' minimum side yard for tower. A tower-and-podium building includes a tower constructed on top of a 3 to 7 story podium base. The tower must be set back from the lot line.

XX.XX.XX Parking Requirements

Parking at a rate of up to 0.5 spaces per dwelling unit may be provided on-site such that it is fully accessible to the general public 24-hours per day both by car from a driveway accessing a public right-of-way as well as by foot from a level ADA-compliant walkway connecting to a public sidewalk along the primary frontage of the building. The entirety of this parking supply may be provided off-site, and the entirety of any parking provided in excess of this rate must be provided off-site. Any off-site parking must be recorded with the building permit along with a current documented leasehold, shared parking, or other acceptable agreement. Any off-site parking must be located within 1,200-feet of the primary building entrance along a publicly-accessible and ADA-compliant walking route.

XX.XX.XX Development Standards. The development shall contribute to a high quality, vibrant, transit-oriented district while not interfering with the environmental conditions of adjacent properties. To achieve these objectives, the following standards shall be met:

1. Ground floor uses and entrances: More actively occupied non-residential interior spaces shall correspond to more actively used public streets and public spaces. Primary non-residential and lobby entrances shall be located towards public streets and public spaces rather than towards automobile parking. Each ground floor residential unit shall have an individual exterior entrance.
2. Private outdoor space: Buildings containing more than four units shall provide each residential unit with a private outdoor space that must have an unobstructed area of 24 square feet that may be used for seating. Private outdoor spaces must be provided as a balcony, deck, patio, porch, roof deck, roof terrace, or yard that is directly accessible by a doorway from a habitable room within the dwelling unit the outdoor amenity space is meant to serve. Residential units above the podium level in high-rise buildings are exempt from this requirement.
3. Materials: Chain link fence, barbed wire, razor wire, and chicken wire are not permitted where visible from public streets or public parks. Architectural character and expression shall be of consistently high quality on all exterior portions and sides of a structure. Accessory components and building systems including by not limited to porches, canopies, railings, gates, fences, garden walls, lighting, mechanical penthouses, balconies, doors, lighting, weather protection, and gutters shall reinforce the overall building style.

4. Building orientation: Building mass shall generally parallel streets at the ground level. Upper-story orientation may vary, provided that buildings continue to create a sense of enclosure to public streets and parks.
5. Building articulation: Larger buildings shall avoid the appearance of a wall by adding variation to the height profile. Larger buildings shall articulate at least every 60 feet of facade length throughout the ground floor level by using techniques such as offsets, projections, and recesses. Building design shall distinguish the podium from upper stories to create visual variety.
6. Wind: Site, open space, and building design strategies shall block wind, particularly prevailing winds and downdrafts. Coniferous vegetation may be planted on the north sides of open spaces and along the edges and against any blank walls. Proposed buildings that are over 150 feet or at least twice as tall as any adjacent building shall be required to study the pedestrian-level wind impact of the building by wind tunnel or other appropriate means of testing.
7. Sun and shadow: Sites and buildings shall minimize shadows on residential uses and public open spaces. Applications shall include a shadow analysis with before-and-after scenarios. The analysis shall consider shadows on three representative days of the year (March 21, June 21, and December 21). For each day, the analysis shall consider those shadows occurring each hour between 1.5 hours after sunrise and 1.5 hours before sunset. The results will be evaluated according to the seasonal reach and uses impacted. Preference shall be given to planting deciduous trees on the southern face of a building or outdoor area to provide shade in the summer and allow sunlight to filter in the winter.
8. Service areas: Mechanical equipment, refuse storage, service areas, and loading areas not entirely enclosed within buildings shall be located outside required setbacks and not within 10 feet of any property line, and shall be permanently screened from view from adjacent public streets and parks and from abutting property under separate ownership when on the ground.
9. Motor vehicle access and parking: Surface motor vehicle parking is generally prohibited in the area between building frontages and public streets or parks. Access drives shall provide direct access to parking and loading elsewhere on the site. Each 100 feet of frontage shall have a maximum of one access drive. Access drives are encouraged to be shared with abutting sites, both existing and planned.
10. Motor Vehicle Parking Garages: Parking garages shall be located within the interior of the site to minimize visibility from public streets and parks. People walking and using wheeled devices shall have direct access to parking garages from a public street. Parking shall be designed to have the ability to be shared with other users or be publicly accessible.

LOWELL MULTI-FAMILY OVERLAY – MID-RISE (MFOM)

Draft as of 6/30/22

XX.XX.XX Purpose

The purpose of this Section XX is to establish the Multi-Family Overlay - Mid-Rise, to permit transit-oriented multi-family housing construction in accordance with the purposes of M.G.L. Chapter 40A, Section 3A. Projects within the Lowell Multi-Family Overlay – Mid-Rise zone that do not have a majority of the gross square footage of building area dedicated to Residential uses shall refer to the underlying zone(s) for dimensional requirements, parking requirements, development guidelines, and permitted uses.

XX.XX.XX Establishment of District

The Lowell Multi-Family Overlay - Mid-Rise, hereinafter referred to as the “MFOM,” is an overlay district having a land area of approximately 241 acres in size that is superimposed over the underlying zoning district(s) and is shown on the Zoning Map for the City of Lowell.

XX.XX.XX Permitted Uses

The following uses are permitted as-of-right for Projects within the MFOM. Projects of any use not specifically identified as allowed under this Section XX must refer to the list of allowable uses in the underlying zone(s).

A Project within the MFOM may include:

1. One detached dwelling unit on a lot occupied by not more than one family
2. Two detached or attached dwelling units on a lot occupied by not more than one family each
3. Three (3) dwelling units on one lot (in any combination of single-family detached dwelling units, attached or semi-detached dwelling units, multi-family structures, or as a part of a mixed-use project with other uses allowed in the district, including townhouse developments)
4. Four to six (4-6) dwelling units on one lot (in any combination of single-family detached dwelling units, attached or semi-detached dwelling units, multi-family structures, townhouses, or as a part of a mixed-use project with other uses allowed in the district, including townhouse developments)
5. Seven (7) or more units on one lot (in any combination of single-family detached dwelling units, attached or semi-detached dwelling units, multi-family structures, or as a part of a mixed-use project with other uses allowed in the district, including townhouse developments)
6. One or two dwelling units in a building with a legal non-residential use on the ground

XX.XX.XX Dimensional Requirements

Table of Requirements. The dimensional requirements applicable to Projects in the MFOM with a majority of the gross square footage of building area dedicated to Residential uses are as follows:

Requirement	MFOM
Maximum height (feet, stories)	85, 7
Minimum lot area per unit (square feet)	200
Minimum front yard (feet)	0

Minimum side yard (feet)	0*
Minimum usable open space per unit (square feet)	0

*Except if abutting residential use, then 5' from abutting residential lot line.

XX.XX.XX Parking Requirements

Parking at a rate of up to 1.0 spaces per dwelling unit may be provided on-site such that it is fully accessible to the general public 24-hours per day both by car from a driveway accessing a public right-of-way as well as by foot from a level ADA-compliant walkway connecting to a public sidewalk along the primary frontage of the building. The entirety of this parking supply may be provided off-site, and the entirety of any parking provided in excess of this rate must be provided off-site. Any off-site parking must be recorded with the building permit along with a current documented leasehold, shared parking, or other acceptable agreement. Any off-site parking must be located within 1,200-feet of the primary building entrance along a publicly-accessible and ADA-compliant walking route.

XX.XX.XX Development Standards. The development shall contribute to meeting the multifamily housing objective while harmonizing with existing adjacent land uses and not interfering with the privacy, connectivity, environmental condition, and amenity of adjacent properties. To achieve these objectives, the following standards shall be met:

1. Ground floor uses and entrances: Each separately leased retail space shall have an individual public entrance onto the abutting street. More actively occupied non-residential interior spaces shall correspond to more actively used public streets and public spaces. Primary non-residential and lobby entrances shall be located towards public streets and public spaces rather than towards automobile parking. Each ground floor residential unit shall have an individual exterior entrance.
2. Private outdoor space: Buildings containing more than four units shall provide each residential unit with a private outdoor space that must have an unobstructed area of 24 square feet that may be used for seating. Private outdoor spaces must be provided as a balcony, deck, patio, porch, roof deck, roof terrace, or yard that is directly accessible by a doorway from a habitable room within the dwelling unit the outdoor amenity space is meant to serve.
3. Materials: Chain link fence, barbed wire, razor wire, and chicken wire are not permitted where visible from public streets or public parks. Architectural character and expression shall be of consistently high quality on all exterior portions and sides of a structure. Accessory components and building systems including by not limited to porches, canopies, railings, gates, fences, garden walls, lighting, mechanical penthouses, balconies, doors, lighting, weather protection, and gutters shall reinforce the overall building style.
4. Building orientation: Building mass shall generally parallel streets at the ground level. Upper-story orientation may vary, provided that buildings continue to create a sense of enclosure to public streets and parks.
5. Building articulation: Larger buildings shall avoid the appearance of a wall by adding variation to the height profile. Larger buildings shall articulate at least every 60 feet of facade length throughout the ground floor level by using techniques such as offsets,

projections, and recesses. Building design shall distinguish the podium from upper stories to create visual variety.

6. Sun and shadow: Sites and buildings shall minimize shadows on residential uses and public open spaces. Applications shall include a shadow analysis with before-and-after scenarios. The analysis shall consider shadows on three representative days of the year (March 21, June 21, and December 21). For each day, the analysis shall consider those shadows occurring each hour between 1.5 hours after sunrise and 1.5 hours before sunset. The results will be evaluated according to the seasonal reach and uses impacted. Preference shall be given to planting deciduous trees on the southern face of a building or outdoor area to provide shade in the summer and allow sunlight to filter in the winter.
7. Service areas: Mechanical equipment, refuse storage, service areas, and loading areas not entirely enclosed within buildings shall be located outside required setbacks and not within 10 feet of any property line, and shall be permanently screened from view from adjacent public streets and parks and from abutting property under separate ownership when on the ground.
8. Motor vehicle access and parking: Surface motor vehicle parking is generally prohibited in the area between building frontages and public streets or parks. Access drives shall provide direct access to parking and loading elsewhere on the site. Each 100 feet of frontage shall have a maximum of one access drive. Access drives are encouraged to be shared with abutting sites, both existing and planned.
9. Motor Vehicle Parking Garages: Parking garages shall be located within the interior of the site to minimize visibility from public streets and parks.

LOWELL MULTI-FAMILY OVERLAY – NEIGHBORHOOD (MFON)

Draft as of 6/30/22

XX.XX.XX Purpose

The purpose of this Section XX is to establish the Multi-Family Overlay - Neighborhood, to permit transit-oriented multi-family housing construction in accordance with the purposes of G.L. Chapter 40A, Section 3A. Projects within the Lowell Multi-Family Overlay – Neighborhood zone that do not have a majority of the gross square footage of building area dedicated to Residential uses shall refer to the underlying zone(s) for dimensional requirements, parking requirements, development guidelines, and permitted uses.

XX.XX.XX Establishment of District

The Lowell Multi-Family Overlay - Neighborhood, hereinafter referred to as the “MFON,” is an overlay district having a land area of approximately 49 acres in size that is superimposed over the underlying zoning district(s) and is shown on the Zoning Map for the City of Lowell.

XX.XX.XX Permitted Uses

The following uses are permitted as-of-right for Projects within the MFON. Projects of any use not specifically identified as allowed under this Section XX must refer to the list of allowable uses in the underlying zone(s).

A Project within the MFON may include:

1. One detached dwelling unit on a lot occupied by not more than one family
2. Two detached or attached dwelling units on a lot occupied by not more than one family each
3. Three (3) dwelling units on one lot (in any combination of single-family detached dwelling units, attached or semi-detached dwelling units, multi-family structures, or as a part of a mixed-use project with other uses allowed in the district, including townhouse developments)
4. Four to six (4-6) dwelling units on one lot (in any combination of single-family detached dwelling units, attached or semi-detached dwelling units, multi-family structures, townhouses, or as a part of a mixed-use project with other uses allowed in the district, including townhouse developments)
5. Seven (7) or more units on one lot (in any combination of single-family detached dwelling units, attached or semi-detached dwelling units, multi-family structures, or as a part of a mixed-use project with other uses allowed in the district, including townhouse developments)
6. One or two dwelling units in a building with a legal non-residential use on the ground

XX.XX.XX Dimensional Requirements

Table of Requirements. The dimensional requirements applicable to Projects in the MFON with a majority of the gross square footage of building area dedicated to Residential uses are as follows:

Requirement	MFON
Maximum height (feet, stories)	35, 3
Minimum lot area per unit (square feet)	800
Minimum front yard (feet)	0
Minimum side yard (feet)	5 SUM 20*
Minimum usable open space per unit (square feet)	0

*An individual side yard may be 5’ deep, so long as the sum of the depths of all side yards is equal to at least 20’.

XX.XX.XX Parking Requirements

Parking at a rate of at least 0.5 spaces per dwelling unit may be provided on-site. The entirety of this parking supply may be provided off-site. Any off-site parking must be recorded with the building permit along with a current documented leasehold, shared parking, or other acceptable agreement. Any off-site parking must be located within 1,200-feet of the primary building entrance along a publicly-accessible and ADA-compliant walking route.

XX.XX.XX Development Standards. The development shall contribute to creating a high-quality residential neighborhood, increase the supply of housing units in the district, and not interfere

with the privacy and amenity of adjacent properties. To achieve these objectives, the following standards shall be met:

1. Ground floor uses and entrances: Primary non-residential and lobby entrances shall be located towards public streets and public spaces rather than towards automobile parking.
2. Private outdoor space: Buildings containing more than four units shall provide each residential unit with a private outdoor space that must have an unobstructed area of 24 square feet that may be used for seating. Private outdoor spaces must be provided as a balcony, deck, patio, porch, roof deck, roof terrace, or yard that is directly accessible by a doorway from a habitable room within the dwelling unit the outdoor amenity space is meant to serve.
3. Materials: Chain link fence, barbed wire, razor wire, and chicken wire are not permitted where visible from public streets or public parks. Architectural character and expression shall be of consistently high quality on all exterior portions and sides of a structure. Accessory components and building systems including by not limited to porches, canopies, railings, gates, fences, garden walls, lighting, mechanical penthouses, balconies, doors, lighting, weather protection, and gutters shall reinforce the overall building style.
4. Motor vehicle access and parking: Surface motor vehicle parking is generally prohibited in the area between building frontages and public streets or parks. Access drives shall provide direct access to parking and loading elsewhere on the site. Each 100 feet of frontage shall have a maximum of one access drive. Access drives are encouraged to be shared with abutting sites, both existing and planned.
5. Motor Vehicle Parking Garages: Parking garages shall be located within the interior of the site to minimize visibility from public streets and parks.

USE TABLE ADDITIONS

	TMF	NB	UMU	DMU	HRC	HCD	LI	SG	MFOH	MFOM	MFON
12.1 Residential uses											
a. One detached dwelling unit on a lot occupied by not more than one family	Y	N	SP	N	N	N	N	N	N	Y	Y
b. Two detached or attached dwelling units on a lot occupied by not more than one family each	Y	N	SP	N	N	N	N	N	Y	Y	Y
c. Three (3) dwelling units on one lot (in any combination of single-family detached dwelling units, attached or semi-detached dwelling units, multi-family structures, or as a part of a mixed-use project with other uses allowed in the district, including townhouse developments)	PB	PB	PB	SP	N	Y	N	N	Y	Y	Y

d. Four to six (4-6) dwelling units on one lot (in any combination of single-family detached dwelling units, attached or semi-detached dwelling units, multi-family structures, townhouses, or as a part of a mixed-use project with other uses allowed in the district, including townhouse developments)	PB	PB	PB	SP	N	Y	N	Y	Y	Y	Y
e. Seven (7) or more units on one lot (in any combination of single-family detached dwelling units, attached or semi-detached dwelling units, multi-family structures, or as a part of a mixed-use project with other uses allowed in the district, including townhouse developments)	N	PB	PB	SP	SP	Y	N	Y	Y	Y	Y
h. One or two dwelling units in a building with a legal non-residential use on the ground	Y	Y	Y	SP	SP	N	SP	N	Y	Y	Y