



City of Lowell
Planning Commission Hearing

Development Code
Amendments Project

2.15.23

Code Committee Members

- **Jimmy Martini** - Bridgetown Market – local business owner in the downtown area
- **Jason Prenevost** - JK Electrical – local business owner
- **Don Bennett** - Mayor and resident
- **Lon Dragt** - Fire Chief/Planning Commission and Blackberry Jam Festival Chair
- **Johnnie Mathews** – Lowell School Superintendent (representing school stakeholder group)
- **Lloyd Hall** – Lowell Rural Fire District
- **Lisa Bee-Wilson** – Lowell Resident
- **Bill Clingman** – Lowell Resident
- **Mia Nelson** – Lowell Resident

Lowell
Comprehensive Plan
(2005)

Lowell
Downtown
Master Plan
(Adopted in 2019)

*Development Code Amendments
(Implementation)*

Lowell Comprehensive Plan (2005)

- Support Narrative
- Inventories/Tables/figures
- Goals/Policies/Strategies
- Map
- Refinement Plans
 - Master Plans
 - Parks
 - Water
 - Districts (Downtown)

Lowell
Downtown
Master Plan
(Adopted in 2019)

Lowell Comprehensive Plan

Section 9.941 (e) Affordable Housing

*Among the means at a City's disposal are **Code provisions for smaller lots**, the provision of multi-family zones in the community...*

Section 9.941 (d) Housing Costs

The City will continue to seek means of reducing housing costs within the City.

*...**Reduced lot sizes, efficient planning, and inexpensive construction** alternatives can be utilized to maintain housing within affordable limits.*

Downtown Specific	Specific to areas outside Downtown	City-Wide
New Downtown Zones (and associated Building Standards Sheets – Form Based Code)	Minimum Lot Size reduction to 5,500 in R-1 & R-3 zone	Application Types (associated procedural adjustments)
Off-Street Parking Requirement Exemption (as need determines and except for DRD Zone in which 1 space per unit is required)	Accessory Dwelling Units in R-1 & R-3	Revised or new definitions
	Cottage Housing in R-1 & R-3	Floodplain development code (where applicable)
	Single-Family and Duplex dwellings reduction to one required off-street space.	
	Revised lot standards for R-1 & R-3 zone	
	Access (topic could also fall into City-Wide category)	

➤ **Garage Setback in the R-1 and R-3 zones.**

Current proposed language: 10 feet, except all garages, carports, or other parking structures taking access from the front of the property shall be set back at least 5 feet behind the front façade of the primary structure, except when a garage, carport or other parking structure does not face the front street façade.

Staff recommendation: **Revise to 10 feet. Remove all language after “10 feet” for both R-1 and R-3 zones**

➤ **18” elevation requirement.**

Current proposed language – Flex 1 & Flex 2: Ground floors with non-street facing residential uses must be elevated a minimum of 18 inches above grade (listed as Notes 7 and 6).

Current proposed language – DRA and DRA: Ground floor elevation: 18-inch minimum above sidewalk.

The 18-inch elevation requirement came directly from the adopted Downtown Master Plan – Policy 4.2. “...aids in creating a separation from the public and private realms.”

Staff recommendation: Keep language as is. Since the requirement directly implements and codifies policies of the Downtown Master Plan. If Planning Commission wishes to recommend a change to the 18-inch requirement, they must also include a recommendation to remove the specific requirement of 18 inches from Policy 4.2 “Porches and Stoops” in the Downtown Master Plan.

➤ Carports

Current proposed language: A carport is not considered a garage.

Staff recommendation: Up to Planning Commission to decide.

- **Staff provide this item for discussion because of the Planning Commission's comment that if a carport is not considered a garage, then there's no limit to how large of a carport can be built.**
- **A carport is limited to maximum lot coverage and must be able to meet setbacks. These two factors limit size.**
- **The Planning Commission may restrict the size of carports if they desire. Planning Commission can propose specific limitations or can direct staff generally to prepare proposed adjustments for City Council.**

➤ Minimum Lot Size

Current Proposed Language: 5,500 Sq Ft Minimum in R-1 and R-3

Staff prepared a memo specifically addressing the issue.

- The City Council requested that DLCDC investigate reduction of Lowell's minimum lot size in response to the City's own longstanding Comprehensive Plan policies related to this.
- Lowell's long standing (15+ years) Comp Plan policies are clear about the City's aim to improve housing options, including affordability.

Staff recommendation: **Keep minimum lot size for R-1 and R-3 as proposed.**

If adjustment to this recommendation is desired by a majority of the Planning Commission, staff recommend maintaining an adjustment downward to realize a response to the City's long standing Comprehensive Plan policies related to this.

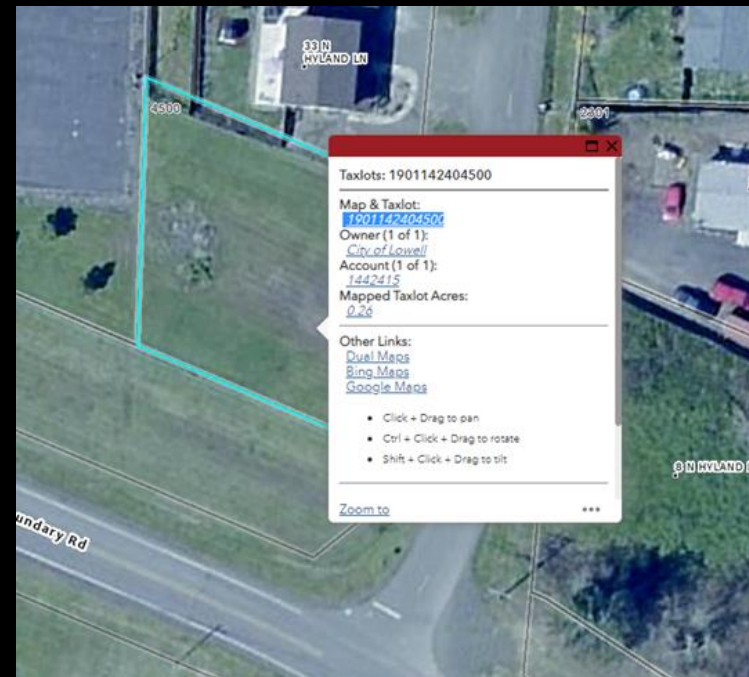
➤ City-Owned Parcel

Staff require Planning Commission's discretionary decision on the zoning designation to be applied to Map and Tax Lot 19-01-14-24-04500.

This parcel, southeast of the new library, is owned by the City and is presently planned to be rezoned Public Land-Downtown (PL-D). The City is actively marketing this parcel for sale and redevelopment. As such, a zoning designation of PL-D is not conducive for commercial or residential redevelopment, necessitating an inconvenient, at best, process for any buyer/developer pursuing such use.

Staff recommendation:

Rezone/Designate the site, but seek Planning Commission direction for which zone. The properties to the south and west will be zoned Flex 1, but the property could be zoned any designation contained in the Regulating Plan, but for PL-D.



➤ **School-Owned Parcel**

It was brought to the attention of staff that the Lowell School District owns Tax Lots 05400 & 05300. These two parcels are located on E. Main Street and fall within the Regulating Plan. Presently these two parcels are proposed to be rezoned to Flex 1. However, since the parcels are owned by the Lowell School District a zoning designation of PL-D is more appropriate.

Staff recommendation: **Update Zoning map and Regulating Plan to reflect a designation of PL-D for Tax Lots 05400 & 05300.** The revised maps will be presented to City Council for final action.

➤ Façade Transparency in the Flex 1, Flex 2, DRA, and DRD zones

Current proposed language:

Flex 1,2 – Ground floors: 75% of façade area min.

Upper floors: 40% of façade area min.

DRA, DRD – Ground floors: 40% of façade area min.

Upper floors: 40% of façade area min.

Façade transparency provision is also rooted in policy within the adopted Downtown Master Plan.

Policy 3.1 Mixed-Use Buildings

...Ground-floor retail fronts that face the street shall have large, clear windows, especially around entries, to encourage transparency and a sense of place along the pedestrian realm.

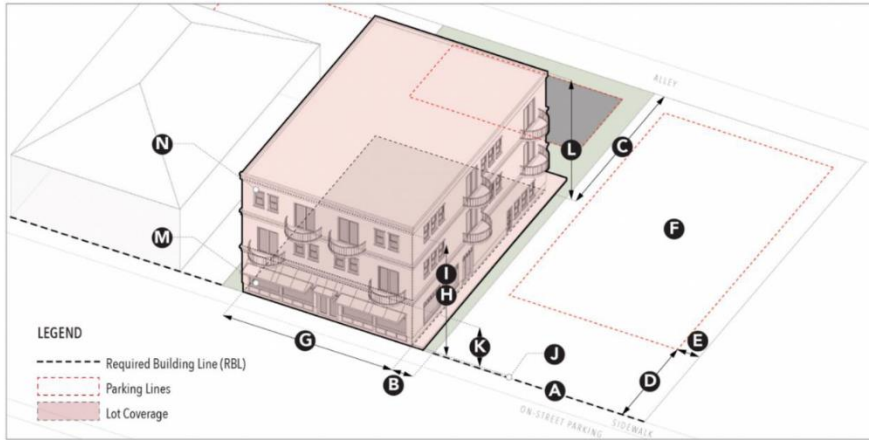
➤ **Façade Transparency in the Flex 1, Flex 2, DRA, and DRD zones**

- Policy 3.1 is not specific about façade transparency proportions,
- The Master Plan does include “example” code language developed by the Plan’s form-based code experts which staff drew upon in developing the proposed façade transparency proportions.
- Form-based code is based upon “look and feel” and façade transparency creates an inviting human scale environment by ensuring ground-floor retail fronts that face the street with large, clear windows, especially around entries, encouraging a sense of place along the pedestrian realm.
- These transparency proportions can be changed, but there is a point where the objective of the community’s adopted policy is undermined.

Staff recommendation: Keep language as is. The façade transparency requirement was developed with Lowell values, feedback and realities in mind. Façade transparency also implements and codifies Policy 3.1 of the Downtown Master Plan.

If the Planning Commission wishes to adjust the percentage of façade transparency, they should keep in mind the spirit and intent of Policy 3.1

Sample Code Review: Downtown Flex 1



Use (see Note 1)

Ground floor:	commercial (retail, service, office)
Upper floor(s):	commercial (retail, service, office), residential

Placement

Front required building line (RBL)	0 ft; the front-most part of the building (i.e. wall, front porch) must be built to the RBL.	A
Side setback	0 ft min.; 10 ft min. when abutting residential zone	B
Rear setback	0 ft min.; 10 ft min. when abutting residential zone	C
Parking setback from RBL	30 ft min.	D
Parking setback from parcel lines with no RBL	6 ft min.; 20 ft min. when abutting residential zone	E

Coverage

Lot area	no min.; see Notes 3 and 4	F
Lot coverage	100% max.; see Notes 3 and 4	
Primary street facade built to RBL	90% min. of RBL length	G

Height

Minimum number of floors	2 floors	H
Maximum number of floors	3 floors	I
Ground floor elevation	0 in min. above sidewalk; see Note 7 for residential use	J
Floor to floor height	10 ft min.	K
Building height	no max.; see Note 5 when abutting residential zone	L

Facade Transparency

Ground floor	75% of facade area min.	M
Upper floors	40% of facade area min.	N

Parking

Number of spaces	no min. requirement; see Note 9
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Notes

- Uses that create odor, dust, smoke, noise, or vibration that is perceptible beyond the property boundaries are prohibited.
- Primary building entrance must be located along the Required Pedestrian Entry Zone and oriented to the street.
- Lots are required to be large enough and developed to accommodate the building, sewage disposal system, required parking, service access, and pedestrian circulation, including for persons with disabilities.
- One hundred percent lot coverage is allowable when applicable minimum loading space and setback requirements are met.
- There is no building height limitation except when the property abuts a residential zone, in which case the building height is limited to the height allowed in the adjacent residential zone for a distance of 50 ft.
- Exterior building articulation is required every 40 horizontal feet or less.
- Ground floors with non-street-facing residential uses must be elevated a minimum of 18 inches above grade.
- Pedestrian walkways must be provided to connect the building primary entrance to the public right of way.
- Off-street parking must be located in the Parking Zone as seen on the Regulating Plan Buildings.
- Access shall be designed to encourage pedestrian and bicycle use and shall facilitate vehicular movements with minimum interference or hazards for through traffic. Access may be subject to the review and approval of the County Engineer or State Department of Transportation. The dedication of additional right-of-way and construction of street improvements by the applicant may be required in order to facilitate traffic circulation.
- Any ground-level shopfront windows facing circulation networks must be kept visible (unshuttered) at night.
- Residential uses entirely above the ground floor must have a balcony at least four feet deep.



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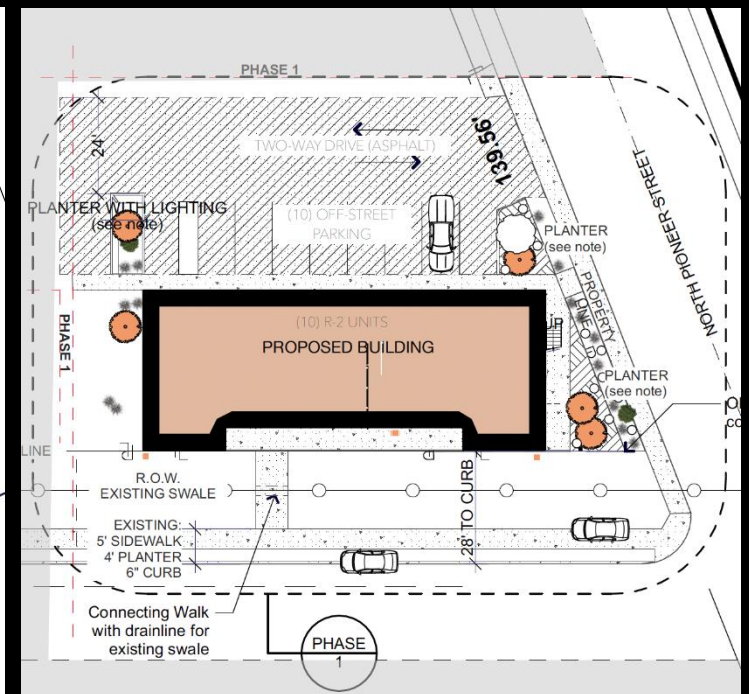
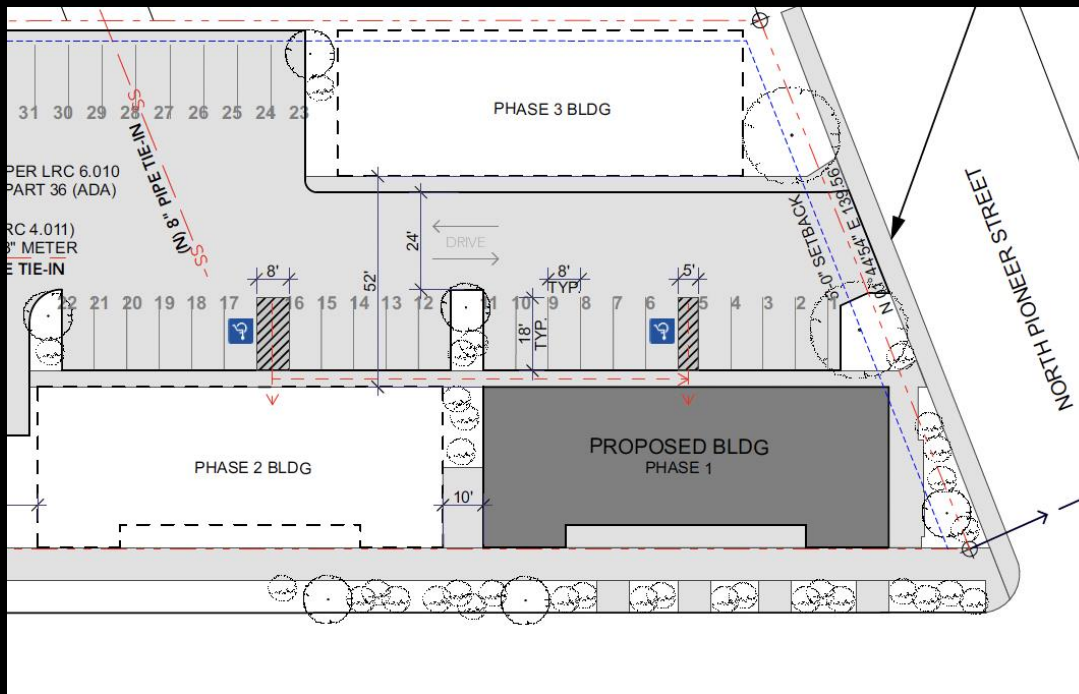
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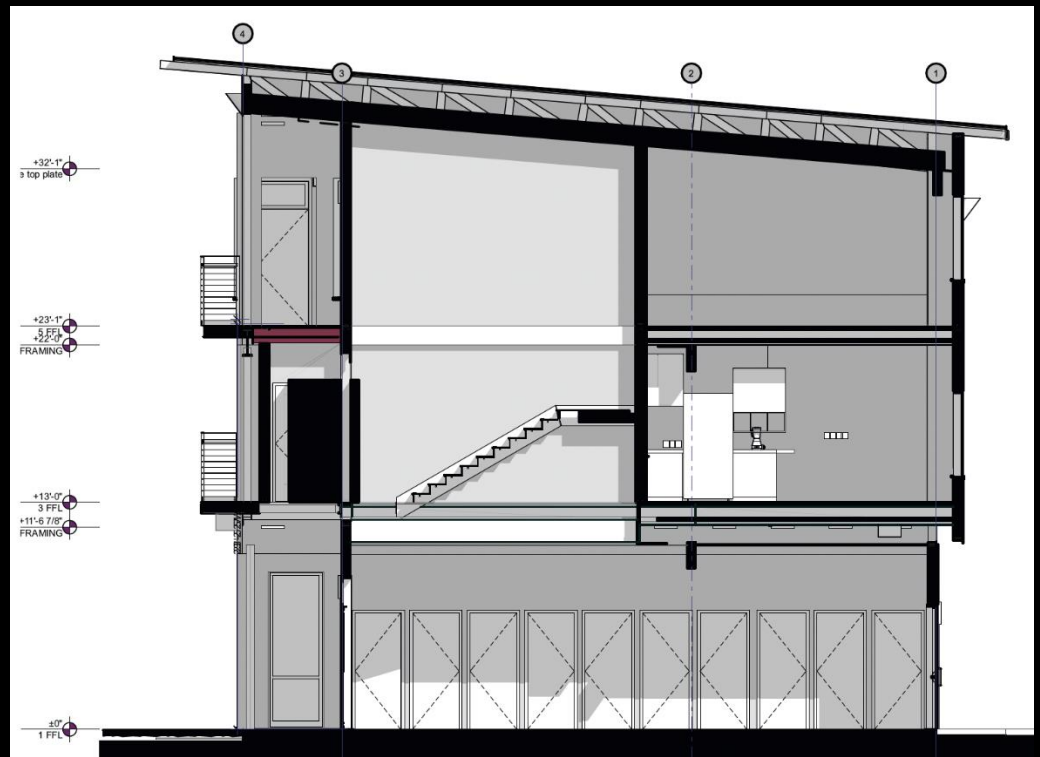
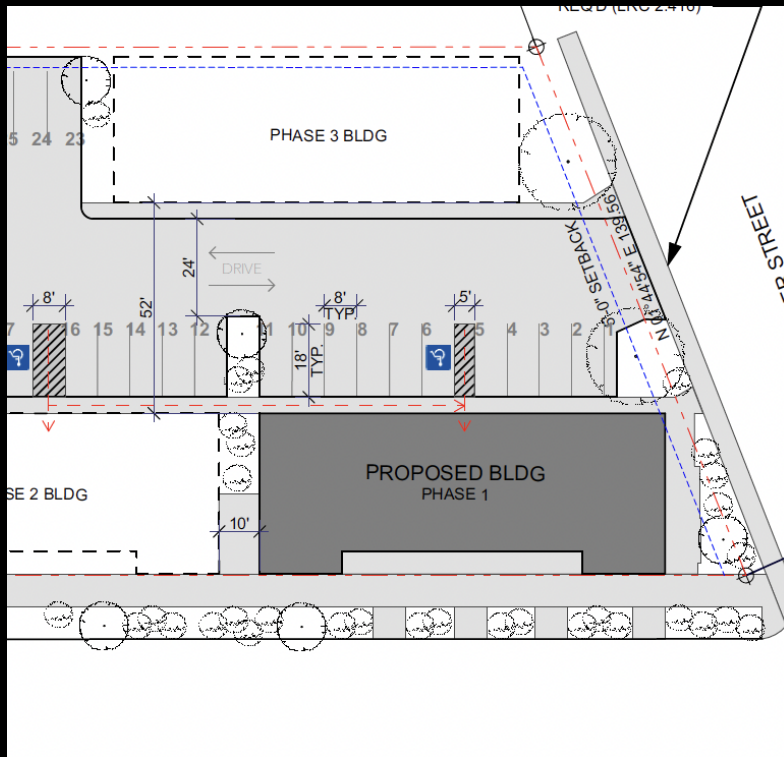
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Sample Code Review: Downtown Flex 1

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➤ **Recommendation to City Council**

Staff are requesting the Planning Commission make a recommendation for approval, denial, or revision on the proposed code amendments.

There may be instances where the Planning Commission does not agree on a certain code provision, language or development requirement or standard. In these instances, staff recommend the Planning Commission discuss and debate each item separately and at the end of the debate make a motion on that particular item and hold a vote on the motion.

