



Christine McCall
Assistant City Manager/DPD Director

MEMORANDUM

TO: Eileen M. Donoghue, City Manager *EMD*

FROM: Christine McCall, Assistant City Manager/DPD Director

DATE: March 29, 2022

SUBJECT: MOTION OF 3/8/2022 BY COUNCILOR LEAHY REQUEST CITY MANAGER HAVE PROPER DEPARTMENT EXPLORE FEASIBILITY OF ALLOWING MORE THAN ONE BUSINESS BEING CONDUCTED FROM YOUR HOME ADDRESS

The City of Lowell Zoning Code of Ordinances defines “home occupation” as the following:

HOME OCCUPATION: An activity customarily carried on by the permanent resident of a dwelling unit, inside the dwelling unit, requiring only customary home or hobby-type equipment, but excluding the following:

1. The sale of articles produced elsewhere than on the premises for the purpose of sale;
2. The storage of materials or products outside of a principal building;
3. Motor vehicle repair, landscaping yard or contractor’s yard.

Home occupations include but are not limited to activities conducted by recognized professions, fine art studios, dressmaking, and teaching of not more than four (4) pupils simultaneously.

There are two “home occupation” pathways that are outlined in the Lowell Zoning Code. One home occupation permit is allowed “by right” and the other option requires a Special Permit from the Lowell Zoning Board of Appeals.

4.3.3. Home Occupation - As of Right. A home occupation may be allowed as of right provided that it:

1. work done on the lot is confined to within a dwelling and is conducted solely by the person(s) occupying the dwelling as a primary residence;
2. is clearly incidental and secondary to the use of the premises for residential purposes and is **the only home occupation on the lot;**
3. does not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission or environmental pollution;
4. does not utilize exterior storage of material or equipment;
5. does not exhibit any exterior indication, including signs, of its presence or any variation from residential appearance;

6. does not produce any customer, pupil, employee or client trips to the occupation site and has no nonresident employees;
7. is registered as a business with the City Clerk.

4.3.4. Home Occupation - By Special Permit. A home occupation may be allowed by special permit issued by the Board of Appeals, provided that it:

1. fully complies with Sections 4.3.3. subsections 2, 3, 4, and 7, and is the only home occupation on the lot;
2. 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 three (3) additional employees;
3. does not exhibit any exterior indication of its presence or any variation from residential appearance, except for a sign or name plate in compliance with Section 6.3;
4. a special permit for such use is granted by the Board of Appeals, subject to conditions including, but not limited to, restriction of hours of operation, maximum floor area, off-street parking, and maximum number of daily customer vehicle trips. Such special permit shall be limited to five years, or the transfer of the property, whichever first occurs.

As noted under Section 4.3.3 (2) **Home Occupation – As of Right**, only one home occupation is allowed on the lot. The DPD has received a number of inquiries from small entrepreneurs who manage internet based businesses or are consultants that would benefit from being able to hold multiple businesses certificates at a single address.

The COVID-19 pandemic had a massive impact on the business world. While companies couldn't predict its impact, coronavirus gave existing and aspiring entrepreneurs an incredible learning opportunity and experience. While opening a new business now might seem risk-taking, entrepreneurs have identified a gap, particularly in the digital marketplace, that they intend to fill. We are seeing an increase in our local economy for the need to operate businesses from residential kitchens, offices, and garages. However, our zoning code is restrictive for small entrepreneurs who operate internet based businesses. The DPD recommends the City Council look to remove the limitation of business certificates at a single address. We believe given the strict requirements of **4.3.3. Home Occupation - As of Right** protects our traditional neighborhood residents from becoming business districts, as this permit does not allow any customers. We are not proposing any changes to the **4.3.4. Home Occupation - By Special Permit**, which does allow customers.

To amend **4.3.3. Home Occupation - As of Right**, it would require a public hearing to change the Lowell Zoning Code of Ordinances. This includes a public hearing before the Lowell Planning Board, for review and recommendation, and a public hearing of the City Council. If the City Council would like to discuss this further, we recommend sending this item to the Zoning or Economic/Downtown Development Subcommittee (s).

CMM

Attachment

Cc: R. Eric Slagle, Director of Development Services
Fran Cigliano, Senior Planner



City of Lowell

Division of Development Services

375 Merrimack Street, Room 55

Lowell, MA 01852

P: 978.674.4144

F: 978.446.7103

Home Occupation Permit

Fee: \$25

Property Address: _____ **Unit No:** _____

Applicant Name: _____	
Phone No: (____) _____	Email: _____

Property Owner (If different from Applicant)

Property Owner's Name: _____		
Address: _____		
City: _____	State: _____	Zip: _____
Phone No: (____) _____	Email: _____	

Business Information

Description of the Business to be Conducted: _____

Office Use Only
Application # _____
CID # _____
Authorization Letter:
<input type="checkbox"/> Owner
<input type="checkbox"/> Assoc
Zoning Officer
<input type="checkbox"/> Approved
<input type="checkbox"/> Denied
Permit # _____

A letter of authorization is **required** from the owner of the property if the applicant is not the owner. In addition an authorization letter is also **required** from the Condominium Association if the location is within a condominium.

In accordance with the City of Lowell's Code of Ordinances, I acknowledge and certify that the:

- Information provided above is accurate;
- City will issue fines for failure to comply with the City's Code of Ordinances.

Signature

Date