

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance Amending “Code of the City of Lowell, Massachusetts”, with respect to Chapter 290, Thereof Entitled, “Zoning” by Adding and Amending Various Sections.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

“Code of the City of Lowell, Massachusetts”, hereinafter called the “Code”, adopted by the City Council on December 23, 2008, as amended, is hereby further amended with respect to Chapter 290, entitled “Zoning”, adopted December 7, 2004, as amended, as follows:

- A. By adding Section 9.7, Section 9.8, and Section 9.9, as more particularly described on Exhibit “A”, annexed hereto and made a part hereof.
- B. By amending Section 6.1.4: Table of Parking Requirements, as more particularly described on Exhibit “A”, annexed hereto and made a part hereof.
- C. By amending Article XII: Table of Uses, as more particularly described on Exhibit “A”, annexed hereto and made a part hereof.

This Ordinance shall take effect upon its passage in accordance with Section 1.7 of the “Lowell Zoning Ordinance” and the provisions of Chapter 43 and 40A of the General Laws of Massachusetts.

APPROVED AS TO FORM:

Corey Williams
City Solicitor

MBTA COMMUNITIES PROPOSED ZONING AMENDMENTS

7/11/2023 Draft

ADD NEW SECTIONS: Section 9.7, Section 9.8, and Section 9.9

MODIFY EXISTING SECTIONS: Section 6.1.4 and Article XII

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

9.7.1 Purpose

The purpose of this Section 9.7 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.

9.7.2 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.

9.7.3 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 9.7 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

9.7.4 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 rear 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.

9.7.5 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.

9.7.6 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. 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.

3. 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.
4. 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.
5. 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.
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. 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.

9.7.7 Hamilton Canal Innovation District (HCID). In instances where a property is located in both the MFOH and the Hamilton Canal Innovation District (HCID), the provisions of the HCID Form-Based Code (HCID-FBC) shall apply.

9.7.8 Flood Plain Overlay District (FPOD). In instances where a property is located in both the MFOH and the Flood Plain Overlay District (FPOD), the provisions of the FPOD shall apply.

9.7.9 Neighborhood Character Special Permit. Proposed projects in the MFOH that would otherwise require the Neighborhood Character Special Permit pursuant to the provisions of Section 9.4 shall not be required to obtain the Neighborhood Character Special Permit from the Planning Board. Site plan review shall only be required for projects with more than three (3) dwelling units.

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

9.8.1 Purpose

The purpose of this Section 9.8 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.

9.8.2 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.

9.8.3 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 9.8 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

9.8.4 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 rear yard (feet)	0
Minimum usable open space per unit (square feet)	0

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

9.8.5 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.

9.8.6 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. 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.
3. 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.
4. 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.

5. 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.
6. 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.
7. 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.
8. Motor Vehicle Parking Garages: Parking garages shall be located within the interior of the site to minimize visibility from public streets and parks.

9.8.7 Hamilton Canal Innovation District (HCID). In instances where a property is located in both the MFOM and the Hamilton Canal Innovation District (HCID), the provisions of the HCID Form-Based Code (HCID-FBC) shall apply.

9.8.8 Flood Plain Overlay District (FPOD). In instances where a property is located in both the MFOH and the Flood Plain Overlay District (FPOD), the provisions of the FPOD shall apply.

9.8.9 Neighborhood Character Special Permit. Proposed projects in the MFOH that would otherwise require the Neighborhood Character Special Permit pursuant to the provisions of Section 9.4 shall not be required to obtain the Neighborhood Character Special Permit from the Planning Board. Site plan review shall only be required for projects with more than three (3) dwelling units.

LOWELL MULTI-FAMILY OVERLAY – NEIGHBORHOOD (MFON)

9.9.1 Purpose

The purpose of this Section 9.9 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.

9.9.2 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.

9.9.3 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 9.9 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

9.9.4 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 rear yard (feet)	0
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'.

9.9.5 Parking Requirements

Parking at a rate of at least 0.5 spaces per dwelling unit shall be provided at a rate of 0.5 spaces per unit. 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.

9.9.6 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. 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.
3. 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.
4. Motor Vehicle Parking Garages: Parking garages shall be located within the interior of the site to minimize visibility from public streets and parks.

9.9.7 Hamilton Canal Innovation District (HCID). In instances where a property is located in both the MFON and the Hamilton Canal Innovation District (HCID), the provisions of the HCID Form-Based Code (HCID-FBC) shall apply.

9.9.8 Flood Plain Overlay District (FPOD). In instances where a property is located in both the MFOH and the Flood Plain Overlay District (FPOD), the provisions of the FPOD shall apply.

9.9.9 Neighborhood Character Special Permit. Proposed projects in the MFOH that would otherwise require the Neighborhood Character Special Permit pursuant to the provisions of Section 9.4 shall not be required to obtain the Neighborhood Character Special Permit from the Planning Board. Site plan review shall only be required for projects with more than three (3) dwelling units.

Section 6.1.4 Table of Parking Requirements

6.1.4.1 Residential Uses	Zone	Min. Parking Requirement	Notes
a. Single-family detached dwelling occupied by not more than one family	MFOM	0 spaces per du	See Section 9.8.5
	MFON	0.5 spaces per du	See Section 9.9.5
	All other permitted zones	2 spaces per du	
b. Two family attached or semi-detached dwelling	MFOH	0 spaces per du	See Section 9.7.5
	MFOM	0 spaces per du	See Section 9.8.5
	MFON	0.5 spaces per du	See Section 9.9.5
	All other permitted zones	2 spaces per du	

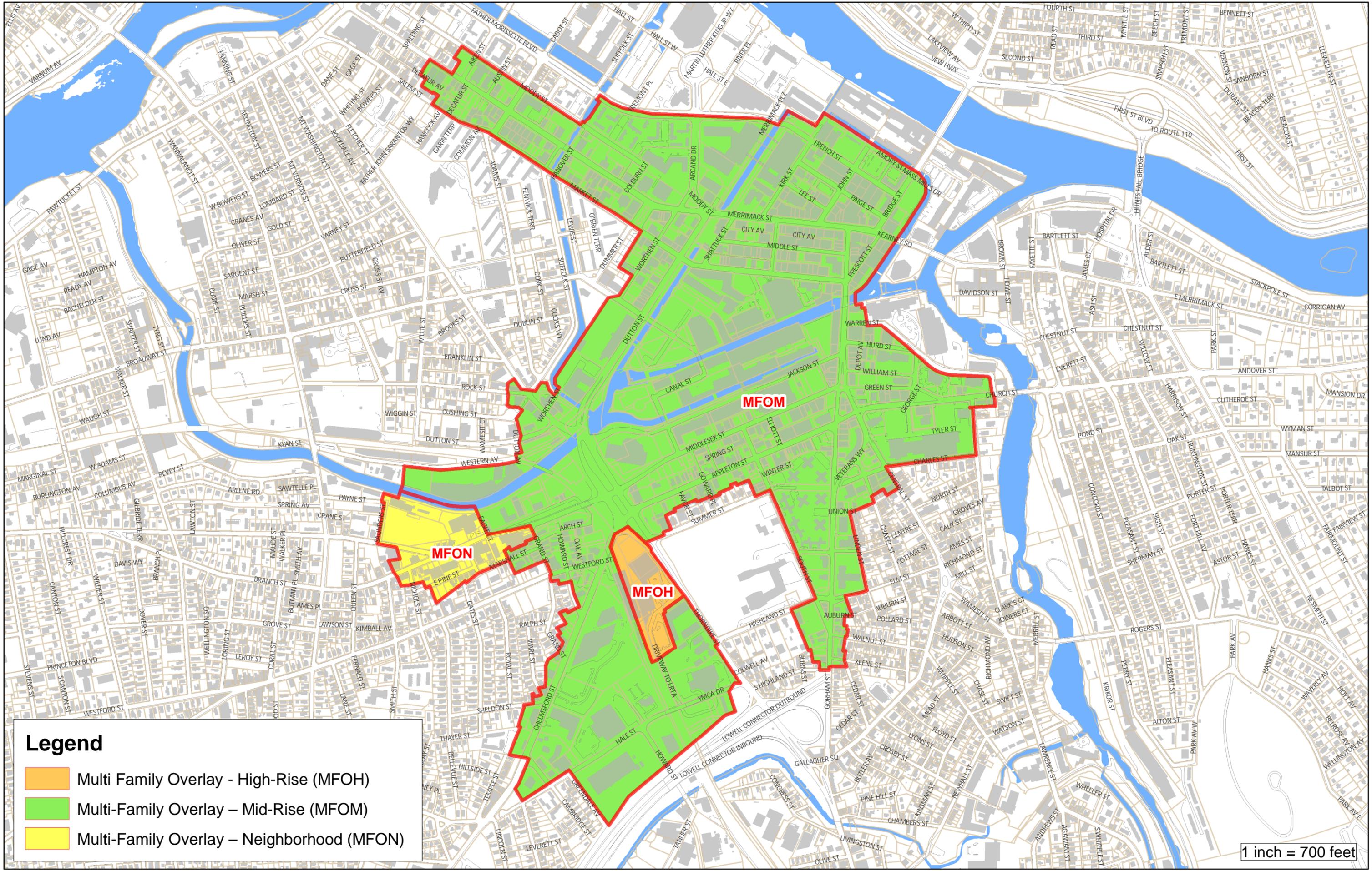
c. Multi-family dwelling including 3-6 units	MFOH	0 spaces per du	See Section 9.7.5
	MFOM	0 spaces per du	See Section 9.8.5
	MFON	0.5 spaces per du	See Section 9.9.5
	DMU	0 spaces per du	
	All other permitted zones	0.75 spaces per bedroom or 2 spaces per du, whichever is greater [Ord. 4-18-06]	
d. Multi-family dwelling including 7 or more units	MFOH	0 spaces per du	See Section 9.7.5
	MFOM	0 spaces per du	See Section 9.8.5
	MFON	0.5 spaces per du	See Section 9.9.5
	DMU	0 spaces per du	
	All other permitted zones	0.75 spaces per bedroom or 2 spaces per du, whichever is greater [Ord. 4-18-06]	
e. Townhouse Development including 3-6 units	MFOH	0 spaces per du	See Section 9.7.5
	MFOM	0 spaces per du	See Section 9.8.5
	MFON	0.5 spaces per du	See Section 9.9.5
	All other permitted zones	0.75 spaces per bedroom or 2 spaces per du, whichever is greater [Ord. 4-18-06]	
f. Townhouse Development including 7 or more units	MFOH	0 spaces per du	See Section 9.7.5
	MFOM	0 spaces per du	See Section 9.8.5
	MFON	0.5 spaces per du	See Section 9.9.5
	All other permitted zones	0.75 spaces per bedroom or 2 spaces per du, whichever is greater [Ord. 4-18-06]	
g. One or two dwelling units in a building with a legal non-residential use on the ground floor.	MFOH	0 spaces per du	See Section 9.7.5
	MFOM	0 spaces per du	See Section 9.8.5
	MFON	0.5 spaces per du	See Section 9.9.5
	DMU	0 spaces per du	
	All other permitted zones	2 spaces per du	

Article XII Table of Uses

12.1 Residential Uses	MFOH	MFOM	MFON
a. One detached dwelling unit on a lot occupied by not more than one family	N	Y	Y
b. Two detached or attached dwelling units	Y	Y	Y

on a lot occupied by not more than one family each			
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)	γ**	γ**	γ**
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)	γ**	γ**	γ**
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)	γ**	γ**	γ**
h. One or two dwelling units in a building with a legal non-residential use on the ground floor	γ**	γ**	γ**

** Townhouse developments are not allowed in the NB, DMU, HRC or INST districts.



Legend

-  Multi Family Overlay - High-Rise (MFOH)
-  Multi-Family Overlay – Mid-Rise (MFOM)
-  Multi-Family Overlay – Neighborhood (MFON)

1 inch = 700 feet



Thomas A. Golden, Jr.
City Manager

Shawn Machado
Assistant City Manager

July 25, 2023

To: Mayor Sokhary Chau
and
Members of the Lowell City Council

Reference: MBTA Communities Zoning Amendments

Dear Mayor Chau and Members of the City Council:

The City of Lowell Department of Planning and Development (DPD) is pleased to submit the MBTA Communities Zoning Amendments to the Council for review. DPD staff worked with consultants from Stantec to create this new zoning language in compliance with state regulations. Our partners at Northern Middlesex Council of Governments (NMCOG) have recently reviewed the zoning language and confirmed it follows state regulations.

We believe adopting this transit-oriented development zoning will open the door up to new opportunities in the city and are excited to see how we can work to attract investment dollars into Lowell.

If you have any questions about these documents or this process, please feel free to contact Assistant City Manager/DPD Director, Yovani Baez-Rose at 978-674-1401.

Sincerely,

Thomas A. Golden Jr.
City Manager

Attachment