

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 extending existing Light Industrial District (LI) zoning district to include 264 Plain Street, 266 Plain Street and 58 Montreal Street in Lowell.

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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:

1. SECTION 3.2 ZONING MAP: That existing zoning districts in the areas of 264 Plain Street, 266 Plain Street and 58 Montreal Street, as shown on the Zoning Map in the Custody of the City Clerk with an electronic record of the zoning map maintained by the Management Information Systems Department of the City of Lowell are hereby extended as shown on the Zoning District Extension Exhibit Plan.

A. The above area is shown on plan prepared by Landplex, 10 George Street, Suite 208, Lowell, MA entitled Zoning District Extension Exhibit Plan, a copy of which is annexed hereto and made a part hereof and described as Exhibit "A"

2. The Zoning Map, in the custody of the City Clerk with an electronic record of the zoning map maintained by the Management Information Systems Department of the City of Lowell shall be changed to conform to this amendment.

3. 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:



Christine P. O'Connor  
City Solicitor

**ASSESSORS**

PARCEL 4150-58 58 MONTREAL STREET  
 PARCEL 4665-264 264 PLAIN STREET  
 PARCEL 4665-266 266 PLAIN STREET

**PROPERTY OWNERS**

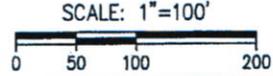
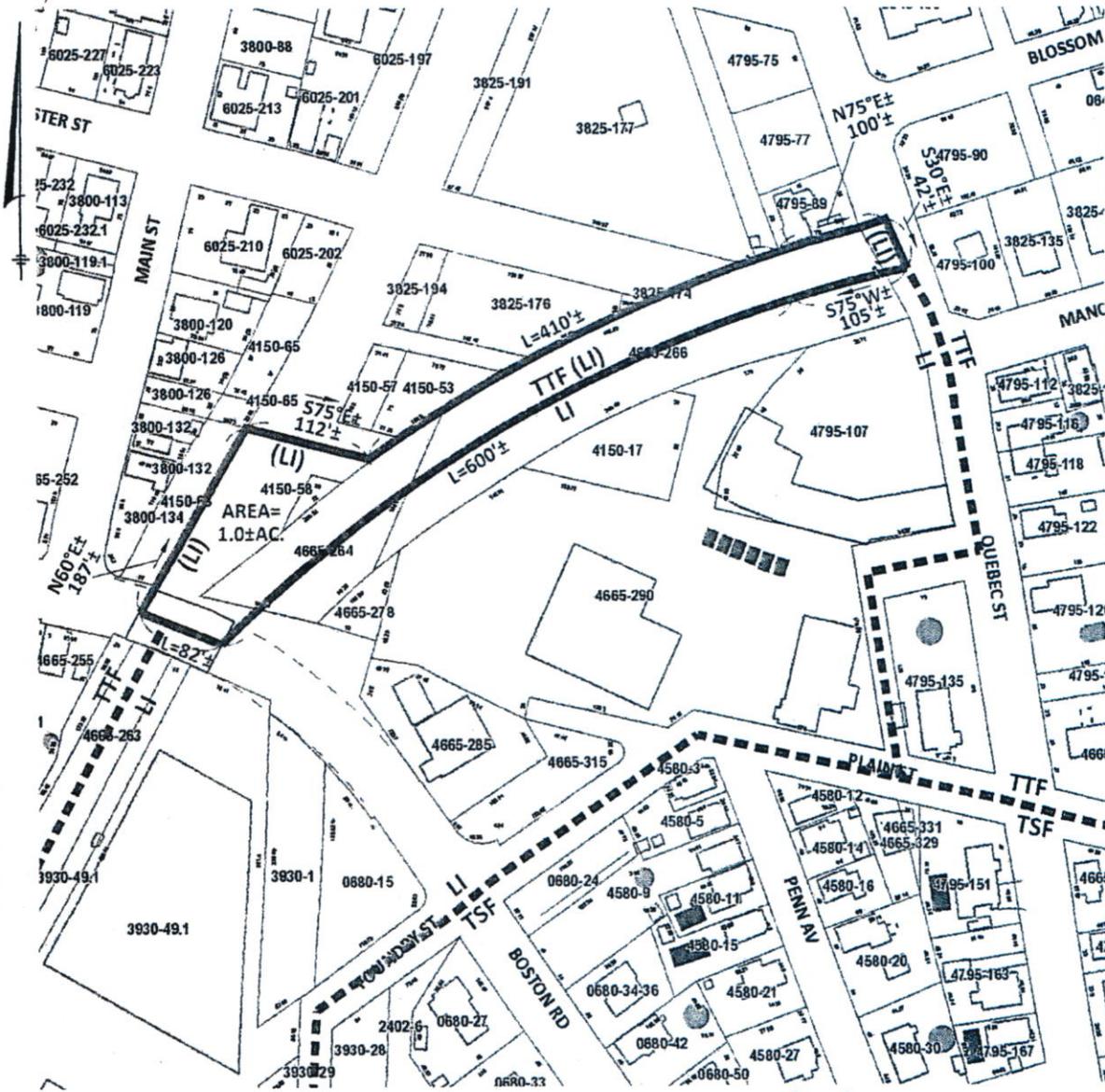
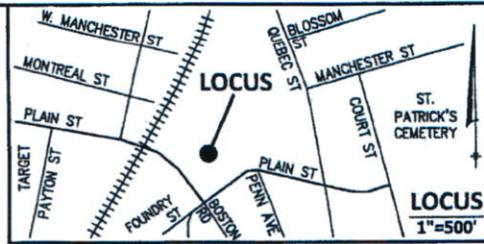
N/F CITY OF LOWELL 58 MONTREAL STREET  
 N/F B&M RAILROAD 264 PLAIN STREET  
 N/F B&M RAILROAD 266 PLAIN STREET

**PLAN REFERENCES**

1. CITY OF LOWELL G.I.S. MAPPING.
2. LAND COURT CASE 7925, PLANS A THROUGH E.
3. PLAN BOOK 1, PLAN 1.
4. PLAN BOOK 5, PLAN 8.
5. PLAN BOOK 87, PLAN 145.

**NOTES**

1. THE PURPOSE OF THIS PLAN IS TO DEFINE THE BOUNDARIES OF A PROPOSED ZONING CHANGE FROM THE TTF DISTRICT (TRADITIONAL TWO-FAMILY) TO THE LI DISTRICT (LIGHT INDUSTRIAL).
2. BOUNDARY INFORMATION & EXISTING CONDITIONS SHOWN HEREON SCALED FROM REFERENCE PLANS. NO SURVEY HAS BEEN PERFORMED.

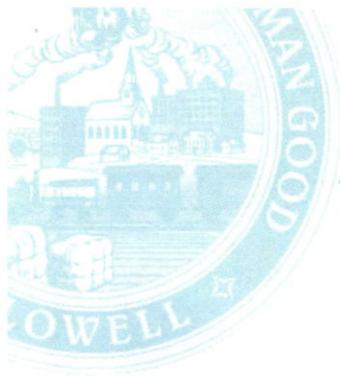


**LEGEND**

N/F	NOW OR FORMERLY
SF	SQUARE FEET
LI	LIGHT INDUSTRIAL ZONING DISTRICT
TSF	TRADITIONAL SINGLE-FAMILY ZONING DISTRICT
TTF	TRADITIONAL TWO-FAMILY ZONING DISTRICT
---	EXISTING ZONING DISTRICT BOUNDARY
---	PROPOSED ZONING DISTRICT BOUNDARY

<b>ZONING DISTRICT EXTENSION EXHIBIT PLAN</b>	
QUEBEC STREET LOWELL, MASSACHUSETTS	
PLAN PREPARED FOR: <b>JEREMY McSORLEY</b> 133 CLARK ROAD LOWELL, MA 01852	 CIVIL ENGINEERING - SURVEYING 10 George Street, Suite 208 Lowell, Massachusetts 01852 978-201-9390 - LandPlex.com
FEBRUARY 26, 2019	
SCALE: 1" = 100'	

11A



## City of Lowell - Law Department

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Elliott J. Veloso

*Assistant City Solicitors*

April 24, 2019

City Manager Eileen M. Donoghue  
Mayor William Samaras  
Members of the City Council

RE: Ordinance – Extend LI Zone to include all of 264, 266 Plain Street  
and 58 Montreal Street

Dear Manager Donoghue, Mayor Samaras and Members of the City Council:

The rezoning petition of Attorney John C. Geary on behalf of and as attorney for Pineapple Realty, LLC was referred to the Law Department to draft a proposed amendment to the Zoning Code.

The petition seeks to extend the existing Light Industry (LI) zoning district. Currently the zoning line between the LI zoning district and the Traditional Neighborhood Two Family (TTF) zoning district runs through the middle of these parcels. It is the desire to have these properties zoned as all-inclusive Light Industry (LI) at 264, 266 Plain Street and 58 Montreal Street.

I have drafted a proposed Ordinance in accordance with Mass G.L. Ch.40A, §5, the Council must refer it to the Planning Board for a hearing, report and recommendation.

In reviewing a petition to change zoning, courts have held that each such requested change in zoning must be looked at individually, and based on factual information presented to the City Council, such body is to make a determination as to whether the change is in furtherance of the Zoning Act, Mass. G.L. Chapter 40A.

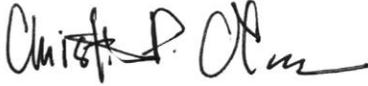
The singling out of a parcel of land for zoning different from that of similar surrounding land may constitute "spot zoning." Not all changes of zoning are considered spot zoning however. The size of the parcel to be rezoned together with other factors with respect to the land and the surrounding land are to be considered in determining whether or not such a zoning change is proper. Our courts, which have upheld various zoning changes, have indicated that the change should be in furtherance of the objects of the zoning ordinance and such change should promote the public welfare.

It is my opinion that this petition does request an extension of the existing LI Zone for the above referenced parcels and does not constitute spot zoning. The requested zoning appears to be a natural extension of the existing LI zone

April 24, 2019  
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Accordingly, the proposed Ordinance should be referred to the Planning Board in accordance with Massachusetts General Laws, Chapter 40A, Section 5.

Very truly yours,

A handwritten signature in black ink, appearing to read "Christine P. O'Connor". The signature is fluid and cursive, with a long horizontal flourish at the end.

Christine P. O'Connor  
City Solicitor

vote:zoning

cc: Planning Board  
City Engineer  
Diane Tradd-Asst C/M Dir. DPD  
John C. Geary, Esq.