

**IN THE YEAR TWO THOUSAND TWENTY TWO AN ORDINANCE AMENDING THE  
ZONE ORDINANCE OF THE CITY OF LYNN**

Be it Ordained by the City Council and by the authority of the same as follows, to wit:-

**AMENDEMENT #1**

**SECTION 3:00**

The Zone Map of the City of Lynn, as the same constitutes and is part of the Zone Ordinance of the City of Lynn, together with said Zone Ordinance, as heretofore amended, is further amended as follows:

**Section 3.2 Zoning map**

By amending the existing zoning district Business District (B) to Light Industrial (LI) for the following parcels of land: 037-267-042, 037-267-047, 038-267-001, 037-267-016, 037-267-014, 037-266-016, and as shown on Exhibit A.

**AMENDEMENT #2**

**SECTION 4:00**

SECTION 4, USE REGULATIONS is hereby amended as follows by amending the following provisions in the Use Table appearing as bolded underlined and/or highlighted retaining all other provisions of the existing Section 4 Table:

		RESIDENTIAL					BUSINESS			INDUSTRIAL		WATERFRONT				
		R1	R2	R3	R4	R5	B3	B	CBD	LI	HI	W F1	WF 1A	W F2	WF 3	WF 4
<b>RESIDENTIAL</b>																
4.1.1	Apartment House (13)	---	---	P	P	P	SP	SP	SP	<u>---</u>	<u>---</u>	---	---	---	---	---
4.1.2	Artist/Live/Work Space	---	---	---	---	---	---	---	P	---	---	<b>P</b>	<b>P</b>	<b>P</b>	P	<b>P</b>
4.1.3	Assisted Living Facility	---	SP	SP	SP	SP	SP	SP	SP	<u>---</u>	<u>---</u>	SP	SP	SP	SP	P
4.1.4	Boarding House or Lodging House	---	---	---	---	---	SP	SP	SP	<u>---</u>	<u>---</u>	---	---	---	---	---
4.1.5	Group residence (5)	SP	SP	SP	SP	SP	SP	SP	SP	<u>---</u>	<u>---</u>	---	---	---	---	---

4.1.6	Mixed Use Street Level	(18)	---	SP	SP	SP	SP	SP	SP	SP	P	---	---	P	P	P	P	P
4.1.7	Mixed Use Above Street Level (18)	(18)	---	SP	SP	SP	SP	SP	SP	SP	SP	---	---	P	P	P	P	P
4.1.8	Multi-Family Residential High Rise '(7) '(13)		---	---	---	---	SP	SP	SP	SP	---	---	---	P	P	P	P	P
4.1.9	One Family Detached House (13)		P	P	P	P	P	P	SP	---	---	---	---	---	---	---	---	---
4.1.10	Row House (13)		---	---	P	P	P	SP	SP	SP	---	---	---	---	---	---	---	---
4.1.11	Two Family House		---	P	P	P	P	SP	SP	---	---	---	---	---	---	---	---	---
4.1.12	Yard or Garage Sales (3) (13)		P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---
<b>BUSINESS</b>																		
<b>4.4.7</b>	<b>Artisanal Manufacturing</b>		---	---	---	---	---	P	P	P	P	P	SP	P	---	---	---	---
<b>4.4.8</b>	Banks (9), (10) (13)		---	---	---	---	---	SP	P	P	SP	SP	---	---	---	---	---	SP
<b>4.4.9</b>	Banks with Drive-In Facilities (10)		---	---	---	---	---	---	P	---	SP	SP	---	---	---	---	---	---
<b>4.4.10</b>	Boat Construction, Maintenance/ Repair (13)		---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---
<b>4.4.11</b>	Boat Yard/Boat Storage/Dry Dock (13)		---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P
<b>4.4.12</b>	Clinic (13)		---	---	---	---	---	SP	P	P	SP	SP	SP	SP	SP	SP	SP	SP
<b>4.4.13</b>	Commercial Fishing/Fish Processing (13)		---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---
<b>4.4.14</b>	Commercial Passenger Vessel Operation (13)		---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
<b>4.4.15</b>	Conference Center (13)		---	---	---	---	---	---	---	P	---	---	P	P	P	P	P	---
<b>4.4.16</b>	Convenience Retail (12) (13)		---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	P
<b>4.4.17</b>	Electronic Transmission Line/Poles/ Apparatus (11) (13)		---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	P
<b>4.4.18</b>	Fish Market (12) (13)		---	---	---	---	---	---	---	P	---	---	---	---	---	---	P	---

<b>4.4.19</b>	Fitness Center (22)	---	---	---	---	---	---	P	P	P	P	---	---	---	P	P
<b>4.4.20</b>	Food Service Establishment (9), (13) (17)	---	---	---	---	---	---	SP	P	SP	SP	P	P	P	P	P
<b>4.4.21</b>	Gasoline and oil filling stations	---	---	---	---	---	---	SP	---	SP	SP	---	---	---	---	---
<b>4.4.22</b>	General Offices (13)	---	---	---	---	---	P	P	P	SP	SP	P	P	P	P	P
<b>4.4.23</b>	Hotels (13)	---	SP	SP	SP	SP	---	SP	SP	SP	SP	P	P	P	P	P
<b>4.4.24</b>	Marina (13)	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P
<b>4.4.25</b>	Marine Terminal	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---
<b>4.4.26</b>	Marine Tourism (12) (13)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
<b>4.4.27</b>	Medical Marijuana Treatment Center	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P
<b>4.4.28</b>	Medical Village	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
<b>4.4.29</b>	Micro-Brewery, Distillery, Winery	---	---	---	---	---	---	---	P	---	---	P	P	SP	P	P
<b>4.4.30</b>	Places for Assembly for Commercial Recreation (13)	---	---	---	---	---	---	SP	SP	SP	SP	P	P	P	SP	P
<b>4.4.31</b>	Public Boat Ramp (12) (13)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
<b>4.4.32</b>	Research and Development (13) (15)	---	---	---	---	---	---	---	P	<b>P</b>	<b>SP</b>	SP	<b>P</b>	---	P	<b>P</b>
<b>4.4.33</b>	Retail Stores (9) (13) (14)	---	---	---	---	---	---	P	P	SP	SP	P	P	P	P	P
<b>4.4.34</b>	Retail Trade Custom Work Shop (8)(9) (13) (14)	---	---	---	---	---	---	P	P	SP	SP	P	P	P	P	P
<b>4.4.35</b>	Sales Room for Motor Vehicles	---	---	---	---	---	---	P	---	SP	SP	---	---	---	---	---
<b>4.4.36</b>	Sexual Encounter Center	---	---	---	---	---	---	---	---	---	SP	---	---	---	---	---
<b>4.4.37</b>	Theaters, Cinemas	---	---	---	---	---	---	SP	P	SP	SP	P	P	P	P	P
<b>4.4.38</b>	Transit Facility (13)	---	---	---	---	---	---	---	P	---	---	SP	SP	---	SP	SP
<b>4.4.38</b>	Truck Repair (23)	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---
<b>4.4.40</b>	Water-Dependent Marine Industrial Use	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

<b>4.4.41</b>	Warehousing (24)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---
<b>4.4.42</b>	Yacht Club (13)	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	P
<b>INDUSTRIAL</b>																	
4.5.1	Auto Repair/Body Shop	---	---	---	---	---	---	---	---	SP	SP	---	---	---	---	---	---
4.5.2	Contractor's Storage Yard	---	---	---	---	---	---	---	SP	---	SP	SP	---	---	---	---	---
4.5.3	Fuel Storage	---	---	---	---	---	---	---	---	---	SP	SP	---	---	---	---	---
4.5.4	Heavy Manufacturing	---	---	---	---	---	---	---	---	---	SP	SP	---	---	---	---	---
4.5.5	Ice Establishment	---	---	---	---	---	---	---	---	---	SP	SP	---	---	---	P	---
4.5.6	Light Manufacturing (13)	---	---	---	---	---	---	---	---	P	P	---	<b>SP</b>	---	---	SP	<b>SP</b>
4.5.7	Marine Industry	---	---	---	---	---	---	---	---	---	---	---	---	---	---	SP	---
4.5.8	Shoe Factories	---	---	---	---	---	---	---	---	---	SP	SP	---	---	---	---	---

SECTION 4, USE REGULATIONS is further amended by removing the following from “FOOTNOTES” to the table of use regulations:

Footnote (7) – Multifamily residential high rise is permitted in WF1, WF1A, WF3, WF4, WS, and SHCO Districts, in permitted with less than three hundred residential units so long as at least 50% of the first-floor frontage of all buildings on primary streets, including Route 1A Lynnway, are dedicated to retail and/or permitted business uses. Any project with more than three hundred residential units in WF1, WF1A, WF3, WF4, WS and SHCO Districts or any project within the W2 District shall not be required to have any percentage of retail uses on any floor of the building. Nothing in this footnote shall prohibit a multifamily high rise from also having retail and/or permitted business uses on floors above the first floor.

Footnote (19) – In a WF4 District, multi-family residential high-rise buildings are permitted and may have, but are not required to have, retail and retail trade service uses on ground floor.

Footnote (20) – In a WF4 District, the maximum amount of square feet of retail and retail trade service uses shall not exceed, in aggregate, an amount equal to the total area of the ground floor of the multi-family residential high-rise buildings (the “Ground Floor Square Footage”) located on the lot. To the extent Ground Floor Square Footage is not fully utilized for retail and retail trade service uses in any building located on the lot, the available Ground Floor Square Footage may be reallocated for retail and retail trade service uses located in one or more free standing buildings located on the lot.

**AMENDEMENT #3**

**SECTION 5:00**

SECTION 5, CLASSIFICATION OF USES is hereby amended as follows:

Amend the existing to read as follows:

5.4.29 Micro-brewery, distillery and winery: (May also be referred to brewpub, pub brewery, nanobrewery, nanodistillery, or winery, farmer brewer, distiller or winery). An establishment that manufactures, blends, ferments, processing and packaging to sell up to 60,000 barrels per year and sell to licensed wholesalers or retailers, alcoholic beverages produced by it. A Micro Brewery, Distillery or Winery may sell alcoholic beverages it manufactures to licensed retailers and may have multiple brewing, distilling, or production facilities. A Micro Brewery, Distillery, or Winery may sell alcoholic beverages it manufactures to consumers for on-premises or off-premises consumption from the facility premises or off-premises consumption from the facility premises without any approval from the Lynn City Council. A Microbrewer, Distiller or Winery must obtain all other required Federal or State licenses.

5.4.34 Retail Trade Custom Workshop: Retail activities requiring the assembly and manufacture of articles to be sold on premises such as a dress shops, tailor shops, etc. The assembly and/or manufacturing activities shall be accessory to the principal use and shall be 50 percent or less of the total floor area.

Add the following use classification:

5.4.7 Artisanal Manufacturing: Production of goods by the use of hand tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such production requires no outdoor operations or storage, and where the production, operations, and storage of materials related to production occupy no more than 3,500 square feet of gross floor area. Typical uses have negligible negative impact on surrounding properties and include woodworking and cabinet shops, furniture making, printing and publishing operations, ceramic studios, electric equipment assembly, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.

#### **AMENDMENT #4**

#### **SECTION 8:00**

SECTION 8, DIMENSIONAL REGULATIONS is hereby amended as follows:

**TABLE OF DIMENSIONAL REGULATIONS**

<u>Zoning District</u>	<u>Min. lot area (sf)</u>	<u>Min. Frontage</u>	<u>Min. yards (ft)</u>			<u>Max. Stories</u>	<u>Max. Height (ft)</u>	<u>Max. Building Area (%)</u>	<u>Min Height (ft) and stories</u>	<u>Min. open space and landscaping requirement (%)</u>	<u>Floor Area Ratio (Max)</u>
			<u>Front</u>	<u>Sides</u>	<u>Rear</u>						
WF1 (13) (22)	40,000'	50'	10' (2)	50 total w/15' min. on each side yard	15'	20	240'	80%	60 feet or 5 stories (24)	10%	2.8 (12)
WF1A (13) (22)	40,000'	50'	10' (2)	50 total w/15' min. on each side yard	15'	8	100'	80%	36 feet or 3 stories	10%	2.8 (12)
WF2 (13) (22)	40,000'	50'	10' (2)	50 total w/15' min. on each side yard	15'	8	112'	80%	48 feet or 4 stories	10%	2.8 (12)
WF3 (13,20, 21, 22)	40,000'	50'	10' (2)	50 total w/15' min. on each side yard	15'	8	100'	80%	36 feet or 3 stories	10%	2.8 (12)
WF4 (13,20, 21, 22)	40,000'	50'	10' (2)	0'	0'	20	240'	80%	36 feet or 3 stories	10%	2.8 (12)

**AMENDMENT #5**

**SECTION 12:00**

SECTION 12, SPECIAL PERMITS is hereby amended by adding the following:

### 12.2.1 Rules and Regulations

The Special Permit granting authority may adopt rules and regulations relative to administration of special permits. A copy of the rules and regulations are filed with the City Clerk.

### 12.2.2 Minimum Application Requirements

An application to the Special Permit granting authority as required in Section 12 of the Lynn Zoning Ordinance shall be accompanied by fifteen (15) copies of the site plan which shall be at a scale to be 1" = 40', unless otherwise approved by granting authority. One (1) digital copy of the plan set and appropriate attachments shall be submitted with the project application in PDF format.

#### A. Site Plan Package

Site Plans shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as appropriate. The site plan shall include the following information, which shall be submitted on the following sheets:

##### (i) Existing Conditions

1. Location of all existing natural features, including ponds, brooks, streams, wetlands, elevations and topography;
2. Owners of record of all abutting lots as of the most current City of Lynn Tax Assessors' records and the approximate locations (may be based on City of Lynn GIS data or aerial photography) of all buildings or structures on abutting lots that are located within 30'-0" of the lot lines of the proposed project site;
3. Parcel Lot lines for the proposed project and surrounding parcels, existing building and structures located on the subject property, and use of buildings abutting the project proposal and abutting public roadways.

##### (ii) Site Layout

1. Location and dimensions of all proposed buildings, structures, and other construction and proposed use for each proposed building;
2. Internal roadways and accessways to adjacent public roadways, pedestrian pathways, and a profile of same if determined to be necessary by the granting authority;
3. Location of snow storage areas, trash dumpster, and other service related functions of proposed buildings;

4. Paths of safe emergency egress from all proposed buildings to the public right-of-way.

(iii) Parking and Circulation

1. Location and dimensions of all parking areas, loading areas, walkways, drive lanes, and roadways and accessways to adjacent public roadways;
2. Location and dimensions of all wayfinding signage.
3. Information sufficient to demonstrate satisfactory arrangement to facilitate traffic movement to, from, and within the site. Sufficient information may require a traffic study as required by the Planning Board.

(iv) Landscaping and Lighting

1. Location and type of external lighting;
2. Location, type, dimensions and quantities of landscaping and screening;
3. Location, material, and material of all proposed fencing, walls, and signage;
4. Location and size of solid waste containers, electronic transformers, and similar ancillary structures.

(v) Utilities

1. Location and dimensions of utilities, including water, sewer, fire hydrants, electricity, natural gas, and waste disposal, and a profile of same if determined to be necessary by the Planning Board.
2. Stormwater drainage infrastructure, including existing and proposed contour lines at one- or two-foot intervals, and stormwater calculations necessary to demonstrate infrastructure to meet stormwater standards.

(vi) Architectural plan.

1. Architectural plan which shall include the ground floor plan and architectural elevations of all proposed buildings.
2. Architectural rendering(s) sufficient to establish views of the structure or structures from the public way.

B. Narrative

A brief narrative addressing the proposed project, applicability to the Lynn Zoning Code, zoning relief being sought, and description of how the proposal addresses approval criteria of this section of the Lynn Zoning ordinance and is consistent with City of Lynn planning policy documents.



C. Additional Analysis of Project Impact

The granting authority may at its sole discretion require additional analysis of the proposed project to ensure approval criteria have been met, which may include, but is not limited to, traffic impact analysis, stormwater analysis, or building performance measures such as noise and order.

D. Waiver of Technical Compliance

The granting authority may, upon written request of the applicant, waive any of the technical requirements of this section where the project involves relatively simple development plans.

**AMENDMENT #6**

**SECTION 2:00** Section 2, DEFINITIONS is hereby amended by adding the following:

“Affordable Housing Trust Fund” means the municipal housing trust fund account established by the City of Lynn and stewarded by the Affordable Housing Trust Fund Board of Trustees.

“Affordable Housing Restriction” means any deed restriction, contract, mortgage agreement, or other legal instrument, that effectively restricts occupancy of an affordable housing unit to qualified low-income purchases and renters.

“Affordable Unit” means a residential unit that by deed restriction is available to an eligible household at a price point such that housing and related costs do not exceed thirty percent (30%) of the renting/purchasing household’s monthly gross income.

“Area Median Income (‘AMI’)” means the median income for households within the Boston-Cambridge-Newton MA-NH metropolitan statistical area that includes the City of Lynn, as reported annually and adjusted for household size by the U.S. Department of Housing and Urban Development (HUD).

“Department of Housing and Community Development” means the Massachusetts Department of Housing and Community Development (DHCD) and its successors, as established and currently existing pursuant to M.G.L. c.23B and c.6A.

“Development Project” means any development project that created residential dwelling units and are subject to affordability requirements established in Section 24 of the Lynn Zoning Ordinance.

“Deed-Restricted Affordable Unit(s)” means any Affordable Unit that meets the provisions of Section 24.3 and holds a legal use restriction that runs with the land, is recorded at the Registry of Deeds, provides for affordability in perpetuity, identifies the Subsidizing Agency and monitoring agent, if applicable, and restricts occupancy to income eligible households, based on the requirements set forth in Section 24.3.

“Eligible Household” means a household whose gross annual income does not exceed the applicable household income limit for the Affordable Unit.

“Local Action Unit(s) (LAUs)” means an affordable housing unit created as a result of an intentional action taken by a community, without a comprehensive permit, and which meets the requirements for inclusion on the Subsidized Housing Inventory (SHI). Local Action Units are a component of the Department of Housing and Community Development’s (DHCD) Local Initiative Program (LIP).

“Local Initiative Program (LIP)” means the program administered by the Massachusetts Department of Housing and Community Development (DHCD) pursuant to 760 CMR 45.00 (760 CMR 56) to develop and implement local initiatives that produce affordable housing for low-to-moderate income households.

“Local Preference” means preference is given to current Lynn residents when affordable units created through Section 24 of the Lynn Zoning Ordinance are leased or sold.

“Subsidized Housing Inventory” means the number of units determined to be counted towards the City of Lynn’s Affordable Housing stock as defined under Massachusetts General Law Chapter 40B

“Value Gap” means the method by which in-lieu fees are calculated for rental or ownership residential dwelling units subject to Affordable Housing requirements established in Section 24 of the Lynn Zoning Ordinance. For rental housing units the value gap method will be used to calculate in-lieu fees by subtracting the average market rent by the average affordable rent and divide by the capitalization rate. For ownership units the value gap calculation to determine fees per affordable unit required is to subtract the average market unit sales price by the affordable sales price.

“Unrestricted Unit” means any unit that is not subject to an affordable housing deed restriction and is not subject to sale, lease, and/or rental based on requirements set forth in Section 24.

## **AMENDMENT #7**

The Lynn Zoning Ordinance is hereby amended by adding the following Section:

### **SECTION 24**                      **Affordable Housing**

#### **24.1**    Purpose and Intent

The purpose of this Section is to provide for the creation of affordable housing throughout the City, and to further the Goals of the Lynn Housing Production Plan, “Housing Lynn: A Plan for Inclusive Growth” (Housing Plan), and as may be amended from time to time. Consistent with Housing Lynn, this Section seeks to further advance the following objectives for the benefit of all Lynn residents:

- A.     Provide affordable housing options for all Lynn residents and household types, and ensure new housing development includes affordable housing accessible to Lynn’s population and demographics.

- B. Assure that affordable housing is made available on an equal basis to all eligible households without regard to race, religion, sex or other protected status.
- C. To support the City's critical need for additional affordable housing and seeks to serve a public purpose by encouraging the inclusion of affordable housing in all new residential and mixed-use residential developments, and promote a fair share contribution to affordable housing in all new residential development.

## 24.2 Applicability

- A. Affordable housing requirements set forth in this ordinance apply to any proposed residential or mixed-use development that creates new residential units. The types of development subject to requirements of this Section include, without limitation, the following:
  - 1. Subdivision of land under M.G.L. Chapter 41, Section 81K-81GG, or under M.G.L. Chapter 41, Section 81P, where two or more additional residential units are created. The construction or creation of a Single Family unit is exempt from the requirements of this Section.
  - 2. Any multifamily residential development or mixed-use development with a residential component that includes new construction, redevelopment, or reconstruction of an existing structure that includes the creation of one or more new residential dwelling unit(s).
  - 3. Any development that changes the existing unit from a nonresidential use to a residential or mixed-use with residential use where one or more new residential unit(s) are created.
- B. Development Projects shall not be Segmented or phased in a manner to avoid compliance with the provisions of this Section. Segmentation shall mean any development, whether new construction, adaptive reuse, new construction or subdivision of land that would cumulatively result in the creation of new residential dwelling units subject to the affordability requirements of this section that are located on a parcel of land or contiguous parcels of land in common ownership at the time of application. A subdivision of land shall mean any subdivision as defined in the Subdivision Control Law, MGL Chapter 41, Section 81K-81GG, or any division of land under MGL Chapter 41, Section 81P. Where Segmentation occurs over a five-year period provisions of this section shall apply to the creation of units over a five-year period.
- C. Affordability Districts are hereby established allowing for a variety of methods for meeting affordability requirements based on underlying market conditions throughout the City, and apply as set forth in this Section 24.3, 24.4 and 24.7 of the zoning ordinance:
  - 1. Central Business District: Shall include all properties located in the Central Business District Zoning District as established in Section 3 "Establishment of Districts" and shown on the Lynn Zoning Map.
  - 2. Waterfront District: Shall include all properties located in the Waterfront Zoning Districts as established in Section 3 "Establishment of Districts" and shown on the Lynn Zoning Map. Zoning Districts located in this district includes: Waterfront Zone 1

District (WF1), Waterfront Zone 1A District (WF1A), Waterfront Zone 2 District (WF2), Waterfront Zone 3 District (WF3), and Waterfront Zone 4 District (WF4).

3. Greater Lynn District: Shall include all properties not located in the Central Business District, and Waterfront District further described above.

### **24.3 Affordability**

- A. Affordability Requirements. Development Projects must comply with the following requirements based on the Affordability District for which the development project is located:

1. Central Business District. No less than 10% of dwelling units created shall be affordable to a household with income at or below 60% of the area median income that applies to subsidized housing in the City of Lynn, as reported annually by the U.S. Department of Housing and Urban Development (HUD), adjusted for household size.
2. Waterfront District. No less than 10% of dwelling units created shall be affordable to a household with income at or below 60% of the area median income that applies to subsidized housing in the City of Lynn, as reported annually by the U.S. Department of Housing and Urban Development (HUD), adjusted for household size.
3. Greater Lynn District. No less than 10% of dwelling units created shall be affordable to a household with income at or below 60% of the area median income that applies to subsidized housing in the City of Lynn, as reported annually by the U.S. Department of Housing and Urban Development (HUD), adjusted for household size.

- B. Fractional Units. In the instance a fraction of a lot or a dwelling unit resulting from the affordability requirements, the fractional on-site unit shall be rounded up to the nearest whole number. Development Project proponents may alternatively choose to contribute a fractional cash payment to the Affordable Housing Trust Fund to cover the fraction of the Affordable Unit requirement as set forth in Section 23.4. Payments for fractional units are allowed by-right and shall not need to seek a Special Permit from the Lynn City Council.

### **24.4 Alternative Methods of Compliance**

- A. As an alternative to the requirements of Section 23.4, Project Proponent may seek a Special Permit from the Lynn City Council to contribute a cash payment to the Affordable Housing Trust Fund, in lieu of providing on-site Affordable Units. These payments shall be used only for purposes of providing affordable housing for low- and moderate-income persons as defined by and pursuant to the City of Lynn Affordable Housing Trust Fund Ordinance (Housing Trust).

- B. In-Lieu Fee Determination. The In-Lieu Fee payment shall be determined by using the following methodology.

1. Downtown/Waterfront Districts. For Development Projects meeting affordability requirements of this ordinance by payment of an in-lieu fee, whether by discretionary approval by the City Council, or as allowed by-right, the fee per unit will be determined

by the Value Gap method multiplied by 120% to capture market premium existing in these districts.

2. Greater Lynn District. For Development Projects meeting affordability requirements of this ordinance by payment of an in-lieu fee, whether by discretionary approval by the City Council, or as allowed by-right, the fee per unit will be determined by the Value Gap method.

- C. In-Lieu Calculation. The Lynn Inspectional Services Department (ISD) will establish an In-Lieu Fee annually and publish consistent with Section 24.8. (Rules and Regulations) of this Ordinance. The In-Lieu Fee shall be calculated utilizing the Value Gap approach based on HUD affordable limitations as reported annually by HUD for the City of Lynn, adjusted for household size for required affordable units, and the average market rent for Unrestricted Units as determined by each Affordable Housing District for which the subject property is located. For development projects featuring rental dwelling units the total rental gap over a 12-month period will be divided by the average market capitalization rate for the Affordable Housing District the subject property is located. For development projects featuring ownership dwelling units the fee is calculated by subtracting the average market value by the maximum limit as reported by HUD annually for the City of Lynn.
- D. Fractional Cash Payment Amount.

Where the affordability requirement results in a fraction of a unit, the Project Proponent may choose to contribute a fractional cash payment to the Affordable Housing Trust Fund to cover the fraction of that Affordable Unit requirement. Development Project proponents shall not need to seek a Special Permit from the Lynn City Council, as payments for fractional units are allowed by-right.

#### **24.5 Design and Construction**

- A. Design. Affordable Units must be dispersed throughout a Development Project and be comparable in initial construction quality and exterior design to the Unrestricted Units. However, nothing in this section is intended to limit a homebuyer's rights to renovate a Dwelling Unit under applicable law. The Affordable Units must have access to all on-site amenities. Affordable Units shall be finished housing units; and
- B. Timing. All Affordable Units must be constructed and occupied not later than concurrently with construction and occupancy of Unrestricted Units and, for Development Projects that are constructed in phases, Affordable Units must be constructed and occupied in proportion to the number of units in each phase of the Development Project.

#### **24.6 Affordable Housing Compliance Requirements**

- A. Affordable housing restriction. Each Affordable Unit created under requirements of this Section shall be subject to an Affordable Housing Restriction which is recorded with the Southern Essex District Registry of Deeds or the Southern Essex Registry District of the Land Court. The Affordable Housing Restriction shall contain limitations on use, occupancy, resale, and rents, and provides for annual monitoring to verify compliance with and enforce said restriction. The affordable housing restriction shall run with the land and be in force in perpetuity or for the maximum period allowed by law.

**B. Tenant Selection**

1. An Affirmative Fair Housing Marketing and Tenant Selection Plan (Tenant Selection Plan) or other method of advertisement for availability of the affordable unit(s) and selection of buyer or tenant of the affordable unit(s) to be created under this ordinance shall be provided to the City of Lynn and Lynn Housing Authority & Neighborhood Development for approval prior to issuance of a building permit.

2. Local Preference. The Tenant Selection Plan shall include a Local Preference for Lynn residents to the maximum extent allowed at a minimum 70% of all Affordable Units. The Tenant Selection Plan shall include methods for ongoing leasing practices that include a Local Preference for Lynn residents.

**C. Local Initiative Program (LIP) compliance.** The applicant shall be responsible for preparing and complying with any documentation that may be required by the Massachusetts Department of Housing and Community Development (DHCD) to qualify Affordable Units for listing on the Chapter 40B Subsidized Housing Inventory as LIP units. Units shall be approved by DHCD prior to issuance of an Occupancy Permit.

**D. Preservation of Affordability.** Affordable Units required by and provided under the provisions of this ordinance shall remain affordable to the designated income group in perpetuity, or for as long as legally permissible.

**E. Payment Deadline.** Any fee in lieu of Affordable Units or fractional payments shall be made as follows: at least fifty (50) percent of the total owed prior to the issuance of a Building Permit; and the remaining total owed prior to the granting of any Certificate of Occupancy.

**24.7 Incentives for Affordable Units**

To facilitate the objectives of this Section, Development Projects shall comply with dimensional regulations and parking requirements, except for off-street parking requirements per Section 9 “Off-Street Parking Requirements” and only as stated in the following provisions:

**A. Waterfront District parking adjustment.** Development projects meeting on-site affordability requirements as established in this section may reduce the on-site parking requirements established in Section 9 of the zoning ordinance to .75 parking spaces per dwelling unit.

**B. Greater Lynn District parking adjustment.** Development projects meeting on-site affordability requirements as established in this section may reduce the on-site parking requirements established in Section 9 of the zoning ordinance to 1 parking space per dwelling unit.

**24.8 Review and Approval Procedures**

**A.** No building permit shall be issued until the Lynn Planning Department has reviewed and submitted confirmation to the Building Commissioner or their designee affirming that all requirements set forth in this ordinance have been met.

**B.** The Planning Board shall consider affordability requirements for two or more housing units created by Subdivision of land under M.G.L. Chapter 41, Section 81K-81GG, or under

M.G.L Chapter 41, Section 81P, and may conditionally approve a proposed subdivision that demonstrates compliance with this ordinance.

- C. The City will conduct an evaluation of inclusionary zoning at an interval of no more than three years from the time the inclusionary zoning ordinance was last amended and every three years thereafter. Such evaluation must include a report provided to the City Council reviewing factors such as changes in demographic characteristics and residential development activity, housing trends and affordability, and the relationship between development projects with Affordable Units and all housing in Lynn.
- D. The Lynn Inspectional Services Department and Planning Department shall adopt, and from time to time amend, rules and regulations in administration of this ordinance.

### **23.9 Severability**

If any provision of this Section is held invalid by a court of competent jurisdiction, the remainder of the Section shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this article shall not affect the validity of the remaining sections or parts of sections or the other ordinances of the City of Lynn.

## **AMENDMENT #8**

### **SECTION 12:00**

SECTION 12, SPECIAL PERMITS, is hereby amended by adding the following:

12.1.4 In-Lieu Payment Fee: Permission of the City Council shall be required for development projects subject to Section 24 “Affordable Housing” that seek to meet affordability housing requirements of this by making an In-Lieu payment in place of on-site affordable housing units consistent with Section 24.4 “Alternative Methods of Compliance.

## **AMENDMENT #9**

### **SECTION 9:00**

SECTION 9, OFF-STREET PARKING REQUIREMENTS, is hereby amended as follows:

#### **9.3.1 Affordable Housing Parking Off-Set**

The following on-site parking requirements apply for all development projects providing on-site affordable units consistent with Section 24, Affordable Housing, of this Zoning Ordinance:

- A. Multi-Family, or Mixed-Use with residential development projects located in the Waterfront District as established in Section 24.4 shall provide a minimum of .75 parking spaces per residential dwelling unit.

- B. Multi-Family, or Mixed-Use with residential development projects located in the Greater Lynn District as established in Section 24.4 shall provide a minimum of 1 parking space per residential dwelling unit.

9.3.2 Notes:

9.3.2.1 Fractions: Where the computation of required parking spaces results in a fractional number, only the fraction of the half or more shall be counted as one.

9.3.2.2 Zoning Board of Appeals: The required number of parking spaces shall not be reduced except upon approval of the Zoning Board of Appeals.