

City of Salem

FIRST PASSAGE

In the year two thousand and twelve

An Ordinance to amend the Ordinance relative to Zoning

Be it ordained by the City Council of the City of Salem, as follows:

Section I. **Section 2.2** of the City of Salem Zoning Ordinance is hereby amended by deleting the words, "Wetlands and" from the phrase "Wetlands and Flood Hazard Overlay District" and deleting "WFHOD" and replacing it with "FHOD."

Section II. **Section 8.1 WETLANDS AND FLOOD HAZARD OVERLAY DISTRICT (WFHOD)** is hereby amended by changing its title from "WETLANDS AND FLOOD HAZARD OVERLAY DISTRICT (WFHOD)" to "FLOOD HAZARD OVERLAY DISTRICT (FHOD)." All subsequent uses of the term "WFHOD" shall be replaced with the term "FHOD."

Section III. **Section 8.1.1 Purpose, sub-paragraph 3** is hereby amended by deleting the words "wetlands and," and by deleting the phrase "and to protect against pollution and contamination of such water supplies and to conserve valuable habitats for wildlife, including fisheries and shellfisheries."

Section IV. **Section 8.1** is hereby further amended by deleting **Section 8.1.2 Definitions** in its entirety and replacing it with the following.

"8.1.2 Flood Hazard District Boundaries, and Floodway and Base Flood Elevation Data

1. **Flood hazard district.** The FHOD is herein established as an overlay district. The FHOD includes all special flood hazard areas within the City of Salem designated as Zone A, AE, AO or VE on the Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the City of Salem are panel numbers 25009: 0414F, 0416F, 0417F, 0418F, 0419F, 0436F, 0437F, 0438F, 0439F, 0441F, 0442F, 0443F, 0527F, 0531F, 0532F, and 0552F, dated July 3, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated July 3, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Department of Planning and Community Development.

2. *Floodway Data.* In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

3. *Base Flood Elevation Data.* Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

Section V. **Section 8.1** is hereby further amended by deleting **Section 8.1.3 Overlay District** in its entirety.

Section VI. **Section 8.1** is hereby further amended by renumbering **Section 8.1.4 Permitted Uses** as 8.1.3 and renumbering all subsequent sections accordingly.

Section VII. **Section 8.1.4 Permitted Uses** is hereby amended by deleting the phrase “or unpaved accessory parking lots” from subparagraph 7.

Section VIII. **Section 8.1.5 Special Permit Uses** is hereby amended by

a. adding the word “and” to paragraph one immediately before the phrase “no area shall be paved” and by deleting the phrase “and no sediment shall be caused to be discharged from or onto a wetlands” as it appears in paragraph one;

b. deleting sub-paragraphs 4, 5, and 6; and

c. amending sub-paragraph 7 by deleting the word “Further,”; deleting the term “V3” and replacing it with the term “VE”; deleting the term “FIA” and replacing it with the term “FEMA”; and deleting subparagraph “b” in its entirety.

Section IX. **Section 8.1.6 Special Permit Procedure** is hereby amended by deleting subparagraph 2 and adding the following:

5. The Flood Hazard District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);

- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

Section X. Section 8.1 is hereby further amended by adding the following section:

8.1.6 Notification of Watercourse Alteration

In a riverine situation, the Planning Board shall notify the following of any alteration or relocation of a watercourse:

1. Adjacent Communities
2. NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
3. NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

Section XI. Section 8.1.6 **Planning Board Action** is hereby amended by deleting the words "wetland or" from the last sentence.

Section XII. Section 8.1 is hereby further amended by deleting **Section 8.1.8 Area and Yard Regulations** in its entirety.

Section XIII. Section 8.1 is hereby further amended by adding the following section:

8.1.8 Other Use Regulations

1. In Zone AE, along watercourses within the City of Salem that have a regulatory floodway designated on the Essex County FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. Man-made alteration of sand dunes within Zone VE which would increase potential flood damage is prohibited.
3. All subdivision proposals must be designed to assure that:
 - a. such proposals minimize flood damage;
 - b. all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - c. adequate drainage is provided to reduce exposure to flood hazards.

Section XIV. This Ordinance shall take effect as provided by City Charter.

In City Council March 22, 2012

Referred to the Planning Board to schedule a joint public hearing with the City Council

Joint Public Hearing held with the Planning Board on May 3, 2012 and advertised in the Salem News on April 19th & 26th, 2012.

Referred to the Planning Board for their recommendation.

In City Council May 10, 2012

Planning Board recommendation accepted

Adopted for first passage

ATTEST:

CHERYL A. LAPOINTE

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