CITY OF SALEM
SECOND PASSAGE
SUMMARY OF ZONING ORDINANCE

The complete text of this proposed Zoning Ordinance is on file and available for inspection during regular business hours at the office of the City Clerk, 93 Washington Street, Salem, MA

Zoning Ordinance Amendment for Urban Agriculture summarized below:

This proposed ordinance shall allow residents to sell whole, unprocessed produce grown on site as an accessory use. It also allows for the keeping of domestic fowl and honeybees, as well as the sale of fresh honey and eggs produced on-site. These activities are subject to some restrictions, outlined below, to ensure they remain compatible with their urban surroundings.

Section 1. Section 10 of the Zoning Ordinance is hereby amended by deleting the definitions for *Agricultural use, nonexempt; Coop; Customary agricultural, horticultural and floricultural operations*; *Farm stand, nonexempt;* and *Urban agriculture* in their entirety and inserting the following new definitions: "Agriculture, Urban (Urban Agriculture), Arbor, Coldframe, Composting, Coop, Domestic fowl, Commercial Farm, Exempt (noun): Protected by G.L. c. 40A, § 3, Roof Farm, Yard Farm, Farm Stand (Accessory), Farm Structures, Garden, home/yard, Greenhouse, Honeybee, Hoop house, Raised Bed"

Section 2. Section 3.1 Table of Principal and Accessory Use Regulations of the Zoning Ordinance is hereby amended by deleting the following uses: within B. EXEMPT AND INSTITUTIONAL USES: within C. COMMERCIAL USES: and within E ACCESSORY USES: and inserting the following new uses within the Table:

TABLE OF PRINCIPAL AND ACCESSORY USE REGULATIONS											
PRINCIPAL USES	**RC**	**R1**	**R2**	**R3**	**B1**	**B2**	**B4**	**B5**	**I**	**BPD**	**NRCC**
B. EXEMPT AND INSTITUTIONAL USES											
Commercial Farm, Exempt:	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
E. ACCESSORY USES	**RC**	**R1**	**R2**	**R3**	**B1**	**B2**	**B4**	**B5**	**I**	**BPD**	**NRCC**
Urban Agriculture (Subject to Section 3.2.7):	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Garden, home/yard	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Section 3. Section 3.2 - Accessory Uses of the Zoning Ordinance is hereby amended by deleting Section 3.2.7 *Urban Agriculture* and Section 3.2.1 *Customary Agricultural, Horticultural and Floricultural Operations* in their entirety and replacing it with the following:

3.2.7 Urban Agriculture

Urban Agriculture is allowed as an Accessory Use in all zoning districts, provided that no Urban Agriculture activity shall be conducted, nor Farm Structure erected, except in compliance herewith and with any other applicable laws, rules regulations including without limitation the building code and any requirements of the Salem Board of Health.

1. **Sale of Products:** The on-site sale of agricultural products, including whole, unprocessed produce, honey or eggs, is allowed subject to the certain provisions:
    a. Retail sale display areas shall not exceed fifty square feet.
    b. One Farm Stand is allowed per lot.
    c. No sales display, sign or Structure, including a Farm Stand, shall be located on a public sidewalk or street or block vehicle and/or pedestrian flow.
    d. Signage shall be limited to one (1) sign and not exceed six (6) square feet; signs shall not be illuminated or require electricity. No off premises signs are allowed.
    e. All products sold on the Lot must be produced on-site. For purposes of this Ordinance, the term “produced on-site" means grown on the Lot or, in the case of domestic fowl produced on the Lot by the animals kept thereon, and in the case of honey bees, extracted on the lot or produced on the lot by the hives kept thereon.
    f. Sales of products shall be permitted between the hours of 7:00 am and 6:00 pm., May 1 to October 31st, with the exception of honey which is allowed year round. Sales shall not be permitted more than three days per week and no more than 25 total days per year.

2. Domestic Fowl: Domestic fowl must be owned by a resident of the dwelling on the lot who shall be responsible. No roosters shall be kept under an Urban Agricultural use or any other use on lots in Salem. Dimensional Regulations including specific maximum height, size, setback requirements Any domestic fowl-keeping use or structure in existence prior to the adoption of this Ordinance shall be allowed to continue, as per the zoning code enforcement standards of other pre-existing nonconforming uses and structures. Any future alterations to applicable pre-existing uses or structures shall seek necessary approvals.

3. Honeybees: Honeybees must be owned by a resident of the dwelling on the lot who shall be responsible for the care and control of the Honeybees. A maximum of four (4) hives with additional hives pending approval from the Salem Board of Health. Additional Board of Health regulations may further limit the number and/or manner of keeping of honeybees on lot. There shall be Dimensional Regulations, set back regulations, hive placement and flyways, specific rooftop beekeeping requirements with dimensional regulations, setback requirements and hive placement.

4. Yard Farms: Yard farms may be kept on residential properties only. Ownership, care and control of the farm shall be the responsibility of a resident of the dwelling on the lot. Land devoted to the Yard Farm shall be well-maintained and free from debris, noxious odor and excessively tall weeds and grass. They are subject to applicable setbacks and dimensional regulations. All accessory structures shall also be well-maintained in a safe condition.

5. Roof Farms: Ownership, care and control of the roof farm shall be the responsibility of the owner or tenant of Lot.

6. Farm Structures: Farm structures such as arbors, greenhouses, hoop houses and cold frames, shall be allowed as accessory structures subject to certain specified provisions:

7. Composting: Composting must be contained within an enclosed bin that does not have direct contact with flammable materials. There shall be specific setback requirements and accessory composting shall be used primarily to support onsite operations and shall comprise no more than five (5%) percent of the Lot area."

In City Council January 13, 2022
Referred to the Planning Board to hold a Joint Public Hearing
Joint Public Hearing held on March 15, 2022 and advertised in the Salem News on February 28, 2022 and March 7, 2022
Joint Public Hearing closed by a roll call vote of 9 yeas, 0 nays and 2 absent
Referred to the Planning Board for their recommendation by a roll call vote of 9 yeas, 0 nays, and 2 absent
In City Council April 14, 2022
Referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole
In City Council April 28, 2022
Adopted as amended for first passage by a roll call vote of 10 yeas, 0 nays and 1 absent
In City Council May 12, 2022
Adopted for second and final passage by a roll call vote of 10 yeas, 0 nays and 1 absent
Approved by the Mayor on May 17, 2022

Any claims of invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

ATTEST:

ILENE SIMONS
CITY CLERK

Adv: 05/25/2022