

8.7 Adaptive Reuse Overlay District

8.7.1 Purpose. The purpose of the Adaptive Reuse Overlay District is to promote adaptive reuse as part of broader goals supporting historic preservation, economic development, housing production, and environmental sustainability and resilience. It is the intent of this Section to make it feasible for eligible buildings to be reused and revitalized. The provisions of this program can apply to all or portions of eligible buildings and the lots on which they are situated located in a designated adaptive reuse overlay district, where the building's current use is being changed to a different use.

8.7.2 Definitions.

1. Adaptive reuse overlay district – An area designated on the City of Salem zoning map where adaptive reuse projects in eligible buildings are incentivized.
2. Adaptive reuse project – Any change of use from a building's current use to a new use in all or a portion of any eligible building. The adaptive reuse project may also include additions and new construction.
3. Eligible building – Any building within an Adaptive Reuse Overlay District that is at least 50 years old.

8.7.3 Applicability.

1. The Planning Board may grant a special permit for any adaptive reuse project taking place in eligible buildings and the lots on which they are situated within an adaptive reuse overlay district. The change of use of an existing vacant or underutilized building to new uses that promote community goals is permitted subject to compliance with the standards found in this chapter.

8.7.4 Eligibility. Projects must meet the following criteria to be an eligible adaptive reuse project:

1. Project site shall be located in an Adaptive Reuse Overlay District.
2. The building must be an eligible building, as defined in Section 8.7.2.3.
3. The project results in a change of use in all or a portion of the existing building.

8.7.5 Requirements.

1. All adaptive reuse projects require site plan review as provided for in Section 9.5.
2. The Planning Board shall not take action on an adaptive reuse project until it has received a recommendation from the Salem Historical Commission.
3. The Planning Board shall not take action on an adaptive reuse project that includes additions or new construction until it has received a recommendation from the Design Review Board of the Salem Redevelopment Authority. The Design Review Board's review shall focus on the design of the new construction as it relates to the eligible building.
4. Expansions to the floor area of an eligible building and new construction on the lot must comply with the dimensional requirements provided in Section 8.7.6.

5. The provisions of this zoning overlay are intended to modify the standards otherwise applied to the site by its underlying district. Unless specifically modified by this chapter, all other standards adopted for this site shall apply.

6. Adaptive reuse projects that include six (6) or more residential dwelling units shall have ten (10) percent of the units be affordable housing units, which is defined as year-round units that serve households at or below eighty (80) percent of the area median income and shall remain affordable for a minimum of ninety-nine (99) years as evidenced by deed restrictions and that meet all requirements of G.L. Chapter 40B. The City's inclusionary housing ordinance, if such ordinance exists, shall supersede this provision.

8.7.6 Dimensional Requirements.

Maximum bulk, yards, height, parking and loading requirements shall be established for each adaptive reuse project by the development plan approved by the Planning Board and shall conform to the standards below.

1. *Lot area per dwelling unit.* The project can exceed the maximum density established by the Salem Zoning Ordinance for the site provided the adaptive reuse project.

2. *Setbacks.* Existing building setbacks may remain and shall be considered legally nonconforming.

3. *Height.* The height of the structure, if it exceeds the maximum height of the zoning district, may remain and shall be considered legally nonconforming. Any rooftop construction needed for building circulation, drainage, ventilation, utilities, or passive recreation shall be included within the height exemption. New construction shall not exceed the height of the existing building.

4. *Parking.* The parking requirements may be accommodated by either one or a combination of on-site parking and/or parking at municipal or other parking facilities in the vicinity of the proposed use. All municipal or other parking facilities which are used to satisfy the parking requirement must meet the following criterion: The parking facility must be less than one thousand (1,000) feet from the proposed development, the distance to be measured in a straight line from the two (2) closest points between the proposed use and the parking facility. If using a municipal facility, the owner must purchase an annual parking pass to satisfy the parking requirement.

5. *Loading Zone.* A new loading zone shall not be required if the existing building does not have an existing loading zone.

8.7.7 Permitted Land Uses. All uses permitted as of right in R3 shall be allowed in the Adaptive Reuse Overlay District, irrespective of the underlying zoning, as part of an adaptive reuse project.

1. *Other Uses.* Certain other uses, as set forth in Section 8.7.7.2, will be allowed by special permit from the Planning Board within an adaptive reuse project provided that all nonresidential uses shall be located within a multifamily dwelling and shall not exceed 30 percent of the gross floor area.

2. *Eligible Uses.* Eligible special permit uses within an adaptive reuse project are:

1. Artist lofts and living space, studios, workrooms and shops of artists, artisans and craftsmen, where products of the artistic endeavor or craft activity can be for sale on the premises or by specific off-premises commission from a sponsor or client.

2. Banks and savings and loan institutions.
3. Barber shops and beauty parlors.
4. Books, stationery and gift stores.
5. Business and professional offices.
6. Crafts, related stores selling jewelry, crafts, etc. where production occurs on the premises.
7. Dwelling units above first floor retail, personal service, or office use.
8. Florist shops, but excluding greenhouses.
9. Galleries.
10. Laundromats/dry cleaning establishments.
11. Medical and dental offices.
12. Specialty food stores, including candy store, meat market, delicatessen, or bakery, but not those where food is served for consumption on the premises.
13. Tailor and custom dressmaking shops.

In addition to the new section in the zoning ordinance, the zoning map will need to be amended to show where the Adaptive Reuse Overlay District is located. It is envisioned the map amendments would consist of:

- 150 Federal Street (St. James Church and School);
- 15 Hawthorne Boulevard (Immaculate Conception Church and School);
- 9 Cleveland Street (St. Anne's Convent and School); and
- 5 Broad Street (current Council on Aging building).