

CITY OF SALEM

**NOTICE
JOINT PUBLIC HEARING
OF THE SALEM CITY COUNCIL AND PLANNING BOARD
MONDAY, APRIL 9, 2018
AT 6:00 P.M.**

The City Council will hold a joint public hearing with the Planning Board in the City Council Chambers, City Hall, 93 Washington Street, 2nd floor, Salem, MA on **Monday, April 9, 2018 at 6:00 P.M.**, for all persons interested in the proposed five (5) separate Zoning Amendments listed below:

1. An Ordinance Amending Zoning Section 3.0 - Table of Principal & Accessory Use Regulations amending scrivener's errors from 2009 recodification including allowing a dwelling above first floor retail, service or office in B1 zone; allowing by right clubs, indoor commercial recreation, service, plumbing/carpentry/sheet metal, restaurants, manufacturing, storage, research/development and adult daycare in I zone; allowing by special permit outdoor commercial recreation and accessory structures in I zone.
2. An Ordinance Amending Zoning Section 3.2.5 – Swimming Pool to require fencing.
3. An Ordinance Amending Zoning Section 4.1.1 – Table of Dimensional Requirements establishing 1) max. height of fences and 2) dimensional requirements for B1 zone dwellings.
4. An Ordinance Amending Zoning Section 10.0 – Definitions relative to dwelling unit; rooming, boarding and lodging house; general service establishment; assisted living residence; site plan review; and zoning bd. of appeal.
5. An Ordinance Amending Zoning Section 8.4.9 - Parking Requirements subparagraph 4(a) of the NRCC zoning district to require 1.5 parking spaces per dwelling unit.

The proposed Zoning Amendments and/or Maps are on file and available for review during normal business hours at the City Clerk's Office, Room 1, City Hall, 93 Washington Street, Salem, MA or at the Department of Planning & Community Development, 120 Washington Street, 3rd floor, Salem, MA.

(copies of the 5 above Zoning Amendments attached to posting)

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK

BEN ANDERSON
CHAIRMAN
PLANNING BOARD

Ad Dates in Salem News:
03/26/18 and 04/02/2018

City of Salem

In the year two thousand and eighteen

An Ordinance to amend an Ordinance relative to Zoning

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

Section 1. Section 3.0 TABLE OF PRINCIPAL AND ACCESSORY USE REGULATIONS of the Zoning Ordinance is hereby amended as follows to correct Scrivener's errors from the 2009 recodification of the Zoning Ordinance:

- a. Within Section A. Residential Uses of the Table, delete the letter "N" as it appears in the B1 zoning district in the row entitled "Dwelling unit above first floor retail, personal service, or office use" and insert the letter "Y".
- b. Within the Zoning District I of Section C. Commercial Uses of the Table, make the following amendments:
 - 1) delete the "N" as it appears in in the row entitled "Club or lodge, private" and insert a "Y"
 - 2) delete the "BA" as it appears in the row entitled "Commercial recreation, indoor" and insert a "Y"
 - 3) delete the "N" as it appears in the row entitled "Commercial recreation, outdoor" and insert the letters "BA"
 - 4) delete the "N" as it appears in the row entitled "General service establishment" and insert the letter "Y"
 - 5) delete the "N" as it appears in the row entitled "Personal service establishment" and insert the letter "Y"
 - 6) delete the "N" as it appears in the row entitled "Plumbing, carpentry and sheet metal shop" and insert the letter "Y"
 - 7) delete the "N" as it appears in the row entitled "Restaurant, with service of alcoholic beverages" and insert the letter "Y"
- c. Within the Zoning District I of Section D. Industrial Uses of the Table, make the following amendments:
 - 1) delete the "BA" as it appears in in the row entitled "Light manufacturing" and insert a "Y"
 - 2) delete the "BA" as it appears in the row entitled "Manufacturing" and insert a "Y"
 - 3) delete the "BA" as it appears in the row entitled "Mini-storage warehouse facility" and insert a "Y"
 - 4) delete the "BA" as it appears in the row entitled "Research, laboratories, and development facilities" and insert a "Y"

- d. Within the Zoning District I of Section E. Accessory Uses of the Table, make the following amendments:
- 1) delete the "N" as it appears in in the row entitled "Adult day care" and insert a 'Y'
 - 2) delete the "N" as it appears in the row entitled "Private garages and other accessory structures" and insert a "BA"

Section 2. This Ordinance shall take effect as provided by City Charter.

In City Council February 22, 2018

Referred to the planning board to schedule a joint public hearing with the City Council

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK



KIMBERLEY DRISCOLL
MAYOR

TOM DANIEL, AICP
DIRECTOR

CITY OF SALEM, MASSACHUSETTS
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT

120 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970
TELE: 978-619-5685 ♦ FAX: 978-740-0404

February 15, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

RE: Zoning Amendments—Scrivener's Errors

Ladies and Gentlemen of the City Council:

Please find attached Ordinances addressing several housekeeping matters relating to the Salem Zoning Ordinance.

The City Council approved the re-codification of the Zoning Ordinance in September 2009. The re-codification resulted in a reorganized and simplified structure with updated terms which made the text easier to understand and apply. However, there were a number of Scrivener's errors made at that time which we would like to correct.

As you will see in the attached Ordinances, the Scrivener's errors are in two sections:

1. Section 3.0 Table of Principal and Accessory Use Regulations; and
2. Section 3.2.5 Swimming Pools.

The Zoning Enforcement Officer and I recommend adoption of these Ordinances and welcome any questions you may have regarding them.

Sincerely,

A handwritten signature in cursive script that reads "Tom Daniel".

Tom Daniel
Director

City of Salem

In the year two thousand and eighteen

An Ordinance to amend an Ordinance relative to Zoning

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

Section 1. Section 3.2.5 Swimming Pools is hereby amended to correct a Scrivener's errors from the 2009 recodification of the Salem Zoning Ordinance by inserting a new paragraph at the end of this section as follows:

“2. Pools shall be surrounded on all sides by a permanent wall or fence at least four (4) feet high and located no further than twenty-five (25) feet from any side of the pool. Fences shall be constructed of pickets, stockade or chain-link type material. Rail fences shall not be permitted. The fence shall have only one (1) opening, three (3) feet maximum in width, with a locking and closing device so as to keep the gate shut at all times.”

Section 2. This ordinance shall take effect as provided by City Charter.

In City Council February 22, 2018

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

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK



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As you will see in the attached Ordinances, the Scrivener's errors are in two sections:

1. Section 3.0 Table of Principal and Accessory Use Regulations; and
2. Section 3.2.5 Swimming Pools.

The Zoning Enforcement Officer and I recommend adoption of these Ordinances and welcome any questions you may have regarding them.

Sincerely,

Tom Daniel
Director

City of Salem

In the year two thousand and eighteen

An Ordinance to amend the Ordinance relative to Zoning

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

Section 1. Section 4.1.1 Table of Dimensional Requirements is hereby amended by adding the following new row to the table:

Table of Dimensional Requirements										
	RC	R1	R2*	R3**	B1****	B2	B4	I	BPD	NRCC
Maximum height of retaining walls, boundary walls and/or fences (feet)***	6	6	6	6	10	10	10	10	10	4

Section 2. Section 4.1.1 Table of Dimensional Requirements is hereby amended by adding the following new sentence to the end of asterisk *** notation:

“Fences shall be no more than six (6) feet for residential uses and ten (10) feet for commercial uses.”

Section 3. Section 4.1.1 Table of Dimensional Requirements is hereby amended by adding the following new, asterisked notation and inserting the asterisks in the B1 column heading:

“**** B1- All dwelling units constructed in the B1 Zoning District shall comply with dimensional requirements of the R3 Multi-family Residential Zoning District.”

Section 4. This Ordinance shall take effect as provided by City Charter.

In City Council February 22, 2018

Referred to the planning board to schedule a joint public hearing with the City Council

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK



KIMBERLEY DRISCOLL
MAYOR

TOM DANIEL, AICP
DIRECTOR

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February 15, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

RE: Zoning Amendments—Changes to Section 4.1.1 and Section 10.0

Ladies and Gentlemen of the City Council:

Please find attached Ordinances addressing changes to Section 4.1.1 Table of Dimensional Requirements and changes and additions to Section 10.0 Definitions.

The first set of changes concerns Section 4.1.1. The 2009 re-codification resulted in the omission of dimensional requirements for walls and fences. The requirements were also incomplete. In addition, the dimensional requirements for dwelling units in the B1 Zoning District were missing. The attached Ordinance corrects these errors.

The second set of changes concerns Section 10.0 as follows:

- Definitions for “Dwelling Unit” and “Rooming, boarding or lodging house” are being updated to conform with definitions used by the Commonwealth of Massachusetts;
- A language clarification is being made for the definition of “General service establishment”; and
- Three new definitions that conform with the definitions used by the Commonwealth of Massachusetts are being added for “Assisted Living Residences,” “Site Plan Review,” and “Zoning Board of Appeals.”

The Zoning Enforcement Officer and I recommend adoption of these Ordinances and welcome any questions you may have regarding them.

Sincerely,

Tom Daniel
Director

City of Salem

In the year two thousand and eighteen

An Ordinance to amend an Ordinance relative to Zoning

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

Section 1. Section 10.0 DEFINITIONS of the Salem Zoning Ordinance is hereby amended by:

- a. Inserting the following at the end of the definition of “Dwelling Unit”:

“as defined by the Commonwealth of Massachusetts State Building Code Regulations & Standards 780 CMP 310.2 and M.G.L. Ch. 140 Section 22. No more than three (3) people not within second degree of kindred shall live.”

- b. Deleting the definition of “Rooming, boarding or lodging house” in its entirety and replacing it with the following:

“Rooming, boarding or lodging house: A house where lodgings are let to four (4) or more persons not within second degree of kindred to the person conducting it, and shall include fraternity houses and dormitories of educational institutions, but shall not include fraternity houses and dormitories of charitable or philanthropic institutions or convalescent or nursing homes licensed under section or rest homes so licensed, or group residences licensed or regulated by agencies of the Commonwealth.”

- c. Amending the definition of “General service establishment” by inserting the word “and” immediately before the word “furniture” and deleting the phrase “and the like.”

- d. Inserting three new definitions as follows:

“Assisted Living Residences: Offer a combination of housing, meals and personal service care to adults for a fee that includes room and board and services. Assisted living residences are intended for adults who may need some help with activities such as housekeeping, meals, bathing, dressing, and/or medication assistance and who like the security of having assistance available on a 24 hour basis in a home-like and non-institutional environment. Assisted living residences do not provide medical or nursing services and are not design for people who need serious medical care on an ongoing basis.”

“Site Plan Review: Site plan review is a review process established by the City to protect and promote health, safety, convenience and general welfare of the residents of Salem. Site plan review establishes criteria for the layout, scale, appearance, safety, and environmental impacts of development. Site plan review focuses on parking, traffic, drainage, utilities, landscaping, lighting and other aspects of the proposal to arrive at the best possible design for the location.”

“Zoning Board of Appeals: The Zoning Board of Appeals as established by Chapter 40A, Section 12 of the Massachusetts General Laws.”

Section 2. This Ordinance shall be adopted as provided in the City Charter.

In City Council February 22, 2018

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

ATTEST:

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CITY CLERK



KIMBERLEY DRISCOLL
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RE: Zoning Amendments—Changes to Section 4.1.1 and Section 10.0

Ladies and Gentlemen of the City Council:

Please find attached Ordinances addressing changes to Section 4.1.1 Table of Dimensional Requirements and changes and additions to Section 10.0 Definitions.

The first set of changes concerns Section 4.1.1. The 2009 re-codification resulted in the omission of dimensional requirements for walls and fences. The requirements were also incomplete. In addition, the dimensional requirements for dwelling units in the B1 Zoning District were missing. The attached Ordinance corrects these errors.

The second set of changes concerns Section 10.0 as follows:

- Definitions for “Dwelling Unit” and “Rooming, boarding or lodging house” are being updated to conform with definitions used by the Commonwealth of Massachusetts;
- A language clarification is being made for the definition of “General service establishment”; and
- Three new definitions that conform with the definitions used by the Commonwealth of Massachusetts are being added for “Assisted Living Residences,” “Site Plan Review,” and “Zoning Board of Appeals.”

The Zoning Enforcement Officer and I recommend adoption of these Ordinances and welcome any questions you may have regarding them.

Sincerely,

Tom Daniel
Director

City of Salem

In the year Two Thousand and Eighteen

An Ordinance to amend an Ordinance relative to zoning

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

Section I. Sub-paragraph 4(a) of Section 8.4.9 Parking Requirements is hereby amended by deleting 4(a) in its entirety and replacing it with the following:

“a. One and a half (1.5) parking spaces per dwelling unit.”

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

In City Council February 22, 2018

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

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK



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February 15, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

RE: Zoning Amendment—North River Canal Corridor Mixed Use District Parking Requirement

Ladies and Gentlemen of the City Council:

Please find attached an Ordinance addressing the parking requirement in the North River Canal Corridor Mixed Use District (NRCC).

The City Council established the NRCC zoning in December 2004. When first submitted to the City Council in June 2004, the draft zoning had a parking requirement of 1.0 space per unit. The parking requirement was revised to 1.5 spaces per unit when the final zoning was submitted to the City Council in September 2004. The Planning Board recommended the 1.5 spaces per unit requirement to the City Council in October 2004. The City Council changed the requirement to 2.0 spaces per unit at first passage in December 2004 and adopted it at second passage.

The parking requirement of 2.0 spaces per unit is the greatest parking requirement in any zoning district in Salem. Best practices would provide for a lower parking requirement of 1.0 or 1.5 spaces per unit in an area like the NRCC that is accessible to transit and within convenient walking and biking distance to goods and services, recreation and entertainment destinations, and other daily needs. By requiring more parking than is needed, there is less land available for pervious open space. The excess parking increases the cost of development which in turn increases the cost to residents and commercial tenants.

I recommend adoption of the attached Ordinance which would change the residential parking requirement to 1.5 spaces per unit in the NRCC and would be consistent with the RC, R1, R2, R3, and B5 (for new construction) zoning districts. I welcome any questions you may have regarding this recommendation.

Sincerely,

Tom Daniel
Director