

City of Salem, Massachusetts
Office of the City Clerk

Ilene Simons
City Clerk



May 31, 2018

MEETING NOTICE AND AGENDA

**“Know Your Rights Under the Open Meeting Law, M.G.L. c. 30A ss. 18-25, and
City Ordinance Sections 2-2028 through 2-2033.”**

The sub-committee meetings are held to take action for the purpose of making recommendations to the full council.

The City Council Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole will meet in the City Council Chambers on Tuesday, June 5, 2018 at 6:00 P.M. for the purpose of discussing the following five (5) Zoning Ordinance Amendments:

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 five (5) Zoning Amendments are listed below

Very truly yours,

A handwritten signature in cursive script that reads "Ilene Simons".

ILENE SIMONS
CITY CLERK

ATTEST:

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 the row entitled "Commercial recreation, outdoor" and insert the letters "BA"
 - 2) delete the "N" as it appears in the row entitled "General service establishment" and insert the letter "Y"
 - 3) delete the "N" as it appears in the row entitled "Plumbing, carpentry and sheet metal shop" 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 the row entitled "Mini-storage warehouse facility" 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 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

Joint Public Hearing held on April 9, 2018 and advertised in the Salem News on March 26, 2018 and April 2, 2018

Joint Public Hearing remain open and continued to April 30, 2018 at 6:00 P.M.

April 30, 2018 Continuation of Joint Public Hearing

Joint Public Hearing Closed

Referred to the Planning Board as amended for their recommendation

Amendments:

Section 1 (b) – delete #s 1, 2, 5 and 7 and renumber #s 3, 4 and 6 to be #s 1, 2 and 3

Section 1 (c) – delete #s 1, 2 and 4 and renumber #3 as #1

Section 1 (d) – delete #1 and renumber #2 as #1

In City Council May 24, 2018

Referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole

ATTEST:

ILENE SIMONS
CITY CLERK

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

Joint Public Hearing held on April 9, 2018 Advertised in Salem News on March 26, 2018 and April 2, 2018

Referred to the Planning Board for their recommendation

In City Council May 10, 2018

Referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK

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, excluding the NRCC district unless otherwise provided, and ten (10) feet for commercial uses.”

Section 3. Section 4.1.1 Table of Dimensional Requirements is hereby amended by inserting “3,500” in the B1 column of the row entitled “Minimum lot area per dwelling unit (square feet).”

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

Joint Public Hearing Held on April 9, 2018 and advertised in the Salem News on March 26, 2018 and April 2, 2018

Joint Public Hearing to remain open and continue on April 30, 2018 at 6:00 P.M.

April 30, 2018 Continuation of the Joint Public Hearing

Joint Public Closed

Referred to Planning Board as amended for their recommendation

Amendments include:

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, excluding the NRCC district unless otherwise provided, and ten (10) feet for commercial uses.”

Section 3.0 Section 4.1.1 Table of Dimensional Requirements is hereby amended by inserting “3,500 in the B1 column of the row entitled “Minimum lot area per dwelling unit (square feet). And deleting “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.”

In City Council May 24, 2018

Referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole

ATTEST:

ILENE SIMONS
CITY CLERK

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 CMR

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 dormitories of charitable or philanthropic institutions or convalescent or nursing homes licensed under section seventy-one of chapter one hundred eleven 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 designed 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

Joint Public hearing held on April 9, 2018 and advertised in the Salem News on March 26, 2018 and April 2, 2018

Joint Public Hearing remained open and continue to April 30, 2018 at 6:00 P.M.

April 30, 2018 Continuation of Joint Public Hearing

Joint Public Hearing Closed

Referred to the Planning Board as amended for their recommendations

Amendments include: Section 1 (a) amending the definition of “Dwelling Unit”: keep “as defined by the Commonwealth of Massachusetts State Building Code Regulations & Standards 780 CMR.” And deleting the remainder of the definition; 1 (b) Amending the definition of “Rooming, boarding or lodging house:

by correcting the spelling on the first line from were to where; deleting on the third line after the words “but shall not include” delete “fraternity houses and” and adding on the fifth line after the words

“licensed under section” add “seventy-one of chapter one hundred eleven; 1 (d) “Assisted Living

Residences:” by correcting the word “design” to “designed” on the second to last sentence of paragraph

In City Council May 24, 2018

Referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole

ATTEST:

ILENE SIMONS
CITY CLERK

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

Joint Public Hearing held on April 9, 2018 and advertised in the Salem News on March 26, 2018 and April 2, 2018

Joint Public Hearing Closed and referred to the Planning Board for their recommendation

In City Council May 10, 2018

Referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK