



CITY OF SALEM

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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October 20, 2004

Mayor Stanley J. Usovicz, Jr.
City of Salem
93 Washington Street
Salem, MA 01970

RE: North River Canal Corridor (NRCC) Neighborhood Mixed Use District

Dear Mayor Usovicz:

Enclosed you will find the final draft of the NRCC Neighborhood Mixed Use District as agreed upon by the NRCC Implementation Committee. Since the Committee began working with the Department of Planning and Community Development on the draft of this ordinance, many changes have been made which have produced a better ordinance that I feel will be good for the neighborhood and is in keeping with the vision set forth in the NRCC Master Plan.

In March, 2004, we began meeting with the Implementation Committee to discuss and revise the draft zoning district. Over the course of several months, the Committee met 12 times to go through each section of the draft ordinance in detail. At the Committee's October 6, 2004 meeting, the group voted by a vote of five (5) in favor and one (1) opposed to support the draft as written and submit it to the City Council for their review.

As you may recall, the City Council and the Planning Board opened a Joint Public Hearing on June 23, 2004 to discuss the draft ordinance. At that hearing, both the City Council and the Planning Board voted to continue the public hearing to a date they would schedule later so that the Committee could complete its review of the draft ordinance. Now that the Committee has completed its work, I am submitting the revised ordinance to the City Council and the Planning Board so that they may schedule a date for the joint public hearing. To ensure that we are meeting all necessary laws and to provide all that may be interested an opportunity to attend, we will advertise for this hearing as we did the June hearing.

Enclosed in this package you will find a copy of the draft NRCC Neighborhood Mixed Use District, the map for the Zoning District, and a brief listing of the highlights of the Ordinance. I hope that the City Council and the Planning Board find this information helpful.

Both the Committee and the Department of Planning and Community Development feel that this a document that truly reflects the neighborhood master plan for the area and will allow for development that is in keeping with the character of the adjoining neighborhoods.

Please feel free to contact me should you have any questions or need further information.

Sincerely,



Denise S. McClure, AICP
Deputy Director

Cc: Lynn Goonin Duncan, Director, DPCD
Salem City Council Members
Salem Planning Board Members
Cheryl LaPointe, Salem City Clerk

Highlights of the North River Canal Corridor (NRCC) Neighborhood Mixed Use District

1. Expanded Purpose Section

The purpose section of the Ordinance was expanded to show in detail the expectations for development that takes place in the district, such as being pedestrian scale, relating to the street, and parking to the rear of a site.

2. Statement of Prohibited Uses

Although it is already the case that "uses not expressly allowed are expressly prohibited," the zoning will now in addition list uses that are specifically prohibited, as a reflection of the consensus among the Implementation Committee of what uses should not be in the district. These would include: big-box or stand-alone retail, drugstores, and warehousing.

3. Retail clarified to reflect its neighborhood scale

The new zoning makes clear that retail will be allowed only (a) if it is on a small, local business neighborhood scale and (b) if it is part of larger mixed use development, with upper floor residential or office.

Retail will specifically be required to be:

- on a pedestrian scale (no drive thrus permitted, for example);
- cannot be a stand-alone retail project, but must be within a larger mixed use project. This eliminates the possible "mini-strip mall" design or a big-box retailer.
- no larger than 3,000 square feet (approximately the size of Pamplemousse downtown) to prevent the larger retail uses incompatible with the surrounding neighborhood.

4. Design Criteria

In addition to the creation of a design review process - for the first time outside the downtown Urban Renewal Area - the zoning will specifically call for development to complement and harmonize with adjacent land uses in respect to architecture.

5. Site Plan Review

Currently, projects larger than 10,000 square feet and those with 6 or more units of new housing are required to undergo site plan review. In this new district, any project other than a single or two-family house will require site plan review.

6. Density Bonuses

The residential density throughout the district is set at a maximum of 3,500 square feet of lot area per dwelling unit. However, this density would not allow enough units for the existing buildings to be preserved, thus there are density bonuses allowed within the district. The bonuses may require, for instance, an owner to either preserve a historic structure, provide additional open space, or build artist live work space in order to receive any additional units.

7. Additional Requirements for Transitional Properties

Properties located on the edge of the district boundaries, adjacent to a residential uses, or located on the North River have additional requirements to ensure that development transitions from the commercial areas to the residential properties. The additional requirements include buffer zones, water dependent uses, and building heights.

PROPOSED

**North River Canal Corridor (NRCC)
Neighborhood Mixed Use District**

October 18, 2004

**Article VII, Section 7-20:
ESTABLISHMENT OF A NEW NORTH RIVER CANAL CORRIDOR (NRCC)
NEIGHBORHOOD MIXED USE DISTRICT**

Table of Contents

	Page Number
Section 7-20(a): Purpose of the North River Neighborhood Mixed Use District	3-4
Section 7-20(b): Consistency With the Plan	4
Section 7-20(c): Boundaries	4
Section 7-20(d): Definitions	4
Section 7-20(e): Permitted Uses	4-6
Section 7-20(f): Special Permit Uses	6-7
Section 7-20(g): Prohibited Uses	7
Section 7-20(h): Site Plan Review	7-8
Section 7-20(i): Fences	8-9
Section 7-20(j): Signage	9
Section 7-20(k): Mechanical Equipment and Refuse Storage	9
Section 7-20(l): Density Regulations	9-10
Section 7-20(m): Parking Requirements	11
Section 7-20(n): Transitional Overlay District	11-13

**Section 7-20(a): Purpose of the North River Canal Corridor (NRCC)
Neighborhood Mixed Use District**

The North River Canal Corridor (NRCC) Neighborhood Mixed Use District is intended to fulfill the goals and objectives contained within the *Neighborhood Master Plan for the North River Canal Corridor*. The Master Plan has been enacted to encourage the best use for the North River Canal Corridor physically, economically, environmentally, and socially while promoting the best interests of the residents of the City. The goals of the plan, as stated in the North River Canal Corridor Vision Statement (February 2003), are as follows:

1. Create appropriate development while preserving our historic neighborhood character
2. Address transportation issues for existing and new developments
3. Enhance the public realm in keeping with our unique neighborhood character

In order to achieve these goals, all development shall comply with the following:

1. All development shall be in compliance with the *Neighborhood Master Plan for the North River Canal Corridor, October, 2003*
2. All development shall be designed to complement and harmonize with adjacent land uses (existing and proposed) with respect to architecture, scale, landscaping and screening. Building materials of brick, stone, and wood are encouraged. Pre-cast concrete panels are discouraged.
3. Ground floor spaces should have active pedestrian friendly uses.
4. Buildings should be located in a way to create a presence on the main corridor's street edges.
5. Buildings shall face the main corridor and have an entrance on the main corridor.
6. Streets and roadways must include sidewalks and landscaping to provide an attractive connection for pedestrian use, and to complement adjacent parkland.
7. Uses are designed to generate pedestrian traffic
8. All retail uses should support the adjacent neighborhoods.

9. All development shall be designed to facilitate, accommodate, and encourage use by pedestrians, as much as, if not more so than, use by motorized vehicles.
10. Water dependent uses are encouraged to be developed on the parcels located within the District and adjacent to the North River, particularly:
 - a. Parks, open space, pedestrian facilities, and both public and commercial recreational facilities
 - b. Marinas, boat yards, boat basins, boat storage yards, yacht clubs, and other commercial and recreational boating
 - c. Shore protection structures such as seawalls, bulkheads and revetments
 - d. Flood, water level, or tidal control facilities
 - e. Marine industry, including marine terminals for the transfer between ships and shore, facilities related to the construction, serving, maintenance, repair or storage of vessels or other marine structures, facilities for tug boats, barges, dredges or other vessels engaged in port operations or marina construction

Section 7-20(b): Consistency With the Plan

The NRCC Plan, when read in concert with this Section, establishes a comprehensive plan for development in the North River Canal Corridor. Development must be compliant with both this plan and the NRCC Neighborhood Mixed Use District:

Section 7-20(c): Boundaries

The boundaries of the NRCC Neighborhood Mixed Use District are shown on the attached map.

Section 7-20 (d): Definitions

Main Corridors: Main Corridors are defined as the portions of Boston Street, Bridge Street, North Street, and Mason Street that are located within the boundaries of the NRCC Neighborhood Mixed Use District.

Section 7-20(e): Permitted Uses

The following are the permitted uses in the NRCC Neighborhood Mixed Use District:

Artist Space

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. Trade schools having interior classroom space and where no exterior work occurs on site

3. Galleries

Office

1. Business and professional offices
2. Medical and dental offices

Research/Light Manufacturing

1. Laboratories engaged in research, experimental and testing activities which may include the development of mockups and prototypes but not the manufacture of finished products.
2. Manufacturing of biotechnology and pharmaceutical products including fabrication, assembly, finishing work provided that such operations:
 - a. Are not dangerous by reason of hazard from fire or explosion
 - b. Are not offensive, detrimental, injurious, noxious or hazardous by reason of causing dust, smoke, odor, fumes, radiation, groundwater discharge, noise, vibration, traffic congestion or other nuisance
 - c. Are compatible with adjacent non-industrial uses.

Residential

1. Single family detached dwellings
2. Two-family attached dwellings
3. Multifamily residential uses as secondary uses in upper floors of structures primarily used for retail, personal service or office purposes.

Other

1. Use of land or structures for religious purposes
2. Use of land or structures for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sector denomination, or by a nonprofit educational corporation
3. Public parks or playgrounds

Retail

1. Retail uses are allowed only as part of a mixed use structure containing non-retail uses on the upper floors
2. Retail uses are allowed only on the ground level of a structure
3. The percentage of retail uses verses other uses shall be no more than 50%
4. Each individual retail use shall not exceed 3,000 gross square feet in size. Individual retail uses cannot be combined.
5. Retail uses are specifically limited to the following and should support the adjacent neighborhoods:
 - a. Books, stationary and gift stores
 - b. Florist shops, but excluding greenhouses
 - c. Crafts related stores selling jewelry, crafts, etc. where production occurs on the premises
 - d. Specialty food stores including a candy store, meat market, delicatessen or bakery

- e. Barber shops and beauty parlors
- f. Tailor and custom dressmaking shops
- g. Banks and savings and loan institutions
- h. Laundromats/Dry Cleaning Establishments
- i. Stores selling alcoholic beverages

Section 7-20(f): Special Permit Uses

The following uses are permitted only by the issuance of a special permit from the Planning Board:

Artist Space

- 1. Music, recording, and dancing studios

Residential

- 1. Multifamily residential uses as primary uses in townhouse, row house, flats or multistory arrangements provided that:
 - a. Multi-family residential uses abut a residential use. A multi-family use totally surrounded by non-residential uses is not permitted.
 - b. Multi-family residential uses retain first floor commercial use on a main corridor.
 - c. For all newly constructed buildings (not additions to existing buildings), each unit shall have a separate exterior first floor entrance if located within 100 feet of a residentially used parcel in an abutting zoning district.

Research/Light Manufacturing

- 1. Light manufacturing of products, other than biotechnology and pharmaceutical, including fabrication, assembly, finishing work provided that such operations:
 - a. Are not dangerous by reason of hazard from fire or explosion
 - b. Are not offensive, detrimental, injurious, noxious or hazardous by reason of causing dust, smoke, odor, fumes, radiation, groundwater discharge, noise, vibration, traffic congestion or other nuisance
 - c. Are compatible with adjacent non-industrial uses.

Retail

- 1. Each individual retail use greater than 3,000 square feet in size, which otherwise meets all other requirements as set forth in the retail permitted use section [Section 7-20(d)]:
 - a. Retail uses are allowed only as part of a mixed use structure containing non-retail uses on the upper floors
 - b. Retail uses are allowed only on the ground level of a structure
 - c. The percentage of retail uses verses other uses shall be no more than 50%
 - d. Retail uses are specifically limited to the following:
 - 1. Books, stationary and gift stores
 - 2. Florist shops, but excluding greenhouses

3. Crafts related stores selling jewelry, crafts, etc. where production occurs on the premises
4. Specialty food stores, but not those intended for consumption on the premises, including a candy store, meat market, delicatessen or bakery
5. Barber shops and beauty parlors
6. Tailor and custom dressmaking shops
7. Banks and savings and loan institutions
8. Laundromats/Dry Cleaning Establishments
9. Stores selling alcoholic beverages

2. Restaurants and other eating and drinking places of any square footage in size

Other

1. Hotel or inn

Section 7-20(g): Prohibited Uses

The following uses are strictly prohibited in the NR Neighborhood Mixed Use District:

1. General storage, warehousing and wholesale distribution facilities
2. Drugstores
3. Supermarkets
4. Motor vehicle service stations
5. Drive-thru facilities
6. Motor vehicle car wash
7. Motor Vehicle general and body repair

Section 7-20(h): Site Plan Review

Applicability

Any building or additions of any square footage proposed in this area, excluding the construction of a two family or single family home, shall be subject to site plan review.

Review Criteria

In addition to the requirements as set forth in Article V11, Section 7-18 of this Ordinance, the Planning Board shall review and amend all such submitted plans in accordance with the following criteria:

1. That the project is in compliance with the *North River Canal Corridor Master Plan, October, 2003* and a determination shall be made as to whether or not the development plan is in compliance with said Master Plan and if not in compliance, the basis of the determination that the plan is not in compliance.
2. Action shall not be taken on any plan until it has received a recommendation from the Design Review Board of the Salem Redevelopment Authority concerning the design of the project. The Design Review Board shall refer to the

Urban Design Criteria, Exhibit C of both Urban Renewal Plans East and West when making their recommendation.

3. The project is designed to complement and harmonize with adjacent land uses (existing and proposed) with respect to architecture, scale, landscaping and screening. Furthermore, buildings shall use materials and details that are consistent with the architectural heritage of surrounding buildings. Building materials of brick, stone, and wood are encouraged. Pre-cast concrete panels are discouraged.
4. Buildings are located in a way to create a presence on main corridor street edges.
5. Parking lots shall avoid large expanses that are unbroken by buildings or substantial landscaped areas
6. Ground floor spaces should have lively, pedestrian friendly uses
7. Buildings shall have a strong pedestrian connection to streets and/or pedestrian ways.
8. New façade elements on existing buildings shall use materials and details that are consistent with the architectural heritage of the buildings on which they are located
9. Parking facilities are located to the rear or side of the structures whenever physically feasible.
10. Traffic calming measures should be used to discourage cut through traffic in the rear parking lot of any site.
11. All development shall be supported by:
 - a. Information on subsurface contamination/toxic material and adequate plans for remediation so that the public health will not be adversely affected
 - b. Floodplain information and plans for adequate management of any anticipated problems
 - c. Adequate stormwater management plans
 - d. Information on the water distribution and sanitary sewer system and plans for any modification necessary to adequately serve the proposed development

Section 7-20(j): Fences

In order to maintain and maximize the aesthetic views and sight lines, all fences along the front and side lot lines shall comply with the following standards:

1. No fence along a front line or side lot line to the front building line shall be more than four (4) feet in height, as measured from the curb level of the street or the average grade elevation of the land where the fence is to be located, whichever is deemed appropriate.
2. Chainlink and wire fences are prohibited along any lot lines.

Section 7-20(j): Signage

Applicability

1. All signage shall follow the Salem Sign Ordinance, except that the size of all signs within the NRCC Neighborhood Mixed Use District shall be one-half (1/2) the size which is allowed by the Salem Sign Ordinance.
2. Any building requiring site plan review, shall require review of the signage for design by the Design Review Board. The Design Review Board will submit a recommendation to the Planning Board concerning the design of the signage prior to action being taken on the site plan review application.

Section 7-20(k): Mechanical Equipment and Refuse Storage

No refuse storage areas or mechanical equipment areas shall be located in a front yard, nor within twenty five (25) feet of the front lot line of the side yard. Such areas shall be screened from all public ways, parking areas, residential land uses and open space areas.

Section 7-20(l): Density Regulations

1. A building erected hereafter for uses permitted in the NRCC Neighborhood Mixed Use District shall meet the requirements set forth in the following table:

Minimum lot area	15,000 square feet
Minimum lot area per dwelling unit	3,500 square feet
Minimum lot width	60 feet
Maximum lot coverage by all buildings	50%
Minimum width of side yard	No side yard required
Minimum width of front yard	No front yard required
Minimum width of rear yard	No rear yard required
Maximum height of buildings	50 feet
Maximum height of buildings	4 stories
Maximum height of fences and boundary walls	6 feet
Floor area ratio	2:1

2. Density Bonuses

The Planning Board may award a density bonus to increase the number of dwelling units beyond the maximum number permitted in the NRCC Neighborhood Mixed Use District. The density bonus in the District shall not, in the aggregate, be more than twice that of the maximum number of units permitted in the District. Computations shall be rounded to the lowest number. A density bonus may be awarded in the following circumstances:

- a. If 100% of the historically significant portions of an existing building, as approved by the Historic Commission or there is an opinion from the Massachusetts Historical Commission that it is eligible for listing on the National Register, is being preserved; a bonus of up to fifty (50%) of the maximum number of units permitted may be awarded. In order for the density bonus to be awarded, any new development on the site cannot adversely affect the historic building, as determined by the Historical Commission. The "historically significant portions of the building" shall be determined by an architectural preservation professional.
- b. For each ten percent (10%) of the site set aside as contiguous open space (an area that does not contain parking or buildings and only contains natural vegetation or landscaped areas) that is in addition to any required buffer zone, a bonus of five (5%) percent of the maximum number of units permitted may be awarded; provided, however, that this density bonus shall not exceed 25% of the maximum number of units permitted.
- c. For every unit of affordable housing, which is defined as year-round units that serve households at or below 80% of the area median income and will remain affordable for a minimum of 99 years, one dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed 25% of the maximum number of units permitted.
- d. For every unit of artist live/work space, one dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed 50% of the maximum number of units permitted.
- e. If a new public roadway is constructed by the developer on the site in accordance with the *NRCC Master Plan*, a bonus of 50% of the maximum number of units permitted may be awarded.
- f. If a new public bikepath or pedestrian path is constructed by the developer on the site in accordance with the *NRCC Master Plan*, a bonus of 25% of the maximum number of units permitted may be awarded.

Section 7-20(m): Parking Requirements

Parking areas within the NRCC Neighborhood Mixed Use District shall meet the following criteria:

1. Parking facilities in this district should be located to the rear or side of the structure whenever physically feasible.
2. All parking areas of more than twelve (12) spaces shall be arranged and landscaped to properly screen vehicles from adjacent properties and streets.

The requirements for such landscaping are as follows:

- a. Landscaping shall include one (1) tree of three and one half inch to four inch caliper for each three (3) parking spaces. Trees shall be planted in plant beds bounded by six inch granite curbing.
- b. No plant bed shall be less than fifteen (15) square feet and no dimension of such plant bed shall be less than three (3) feet.
- c. A planting strip of no less than three (3) feet wide shall separate vehicles parked face to face in a parking area. Such planting strip shall include one (1) three and one half inch to four inch caliper tree every twenty seven (27) feet (in line with striping) and other appropriate landscaping.
- d. Parking Spaces for the following uses shall be provided as follows:

<i>Use</i>	<i>Required Parking</i>
Dwellings and home occupations	One and a half (1.5) spaces per dwelling unit, with a minimum of two (2) spaces, plus one (1) space for each home occupation
Artist space with a studio where items are sold	One (1) space per dwelling unit, plus one (1) space for patrons.

All other uses in the NRCC Neighborhood Mixed Use District shall follow the parking requirements as listed in this Zoning Ordinance.

Section 7-20(n): Transitional Overlay District

The Transitional Overlay District encompasses those parcels that are located at the boundaries of the NRCC Neighborhood Mixed Use District and that also abut a residential zone (either directly or across a public way) or abut a residentially used parcel outside the NRCC Neighborhood Mixed Use District. This section of the Ordinance sets additional requirements for development of those parcels. It is intended to create development in the NRCC Neighborhood Mixed Use District that will be compatible with the adjacent residentially zoned and used parcels and that will provide

a transition and buffer between the adjacent residentially zoned and used parcels in the NRCC Neighborhood Mixed Use District.

1. Properties located within the Transitional Overlay District shall meet the following requirements:

- Height of Buildings:** Buildings located within 50 feet of a residentially zoned or used parcel shall be a maximum of 40 feet in height or 3 stories.
- Loading Facilities:** Loading facilities shall be located at the rear or side of the structure and must be a minimum of 50 feet from abutting residentially zoned or used parcels so as to minimize the impact on the abutting residential parcels.
- Buffer Areas:** A buffer zone is an area where no construction or destruction of land shall take place. A minimum buffer area of 50 feet is required from any residential use, conservation use, or residentially zoned parcel. The buffer area must include landscaping to shield the abutting residential properties. The buffer zone can be decreased to 25 feet by approval of the Planning Board with additional landscaping, fencing and berms.
- Fences/Boundary Walls:** The maximum height of fences and boundary walls adjacent to residentially zoned or used parcels can be increased to 10 feet with special permit approval from the Planning Board

2. Properties located within the Transitional Overlay District that are also located on the North River but not the North River Canal, shall, in addition to the above requirements, also meet the following requirements:

- Loading Facilities:** Loading facilities shall be located at the rear of the structure and must be a minimum of 50 feet from the river's edge.

- Preferred Permitted Uses:** Water dependent uses, particularly:
1. Parks, open space, pedestrian facilities, and both public and commercial recreational facilities
 2. Marinas, boat yards, boat basins, boat storage yards, yacht clubs, and other commercial and recreational boating

3. Shore protection structures such as seawalls, bulkheads and revetments
4. Flood, water level, or tidal control facilities
5. Marine industry, including marine terminals for the transfer between ships and shore, facilities related to the construction, serving, maintenance, repair or storage of vessels or other marine structures, facilities for tug boats, barges, dredges or other vessels engaged in port operations or marina construction

- Non-Preferred Uses:** All other uses permitted, either by right or by special permit, in the district are allowed by the issuance of a special permit from the Planning Board only.
- Prohibited Uses:** The following uses are strictly prohibited:
- Hotels or inns
- Minimum Lot Area:** The minimum lot area per dwelling unit is 5,500 square feet. Density bonuses will cannot be awarded.