

City of Salem

In the year two thousand and five

An Ordinance to amend an ordinance and map relative to zoning

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

Section 1.

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

Section 7-21(a):

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 encourages 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 or prefab aluminum or metal panels are highly 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 and non-motorized forms of transportation 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 7-21(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 comply with both this plan and the NRCC Neighborhood Mixed Use District:

Section 7-21 (c): 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 7-21(d) Uses Permitted As of Right

The following are the uses permitted as of right 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/ 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.
3. Operation and expansion of any existing businesses shall be allowed by right provided they comply with 2. a., b., and c. as stated above

Residential

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

Other

1. Use of land or buildings for religious purposes
2. Use of land or buildings 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 building containing non-retail uses on the upper floors
2. Retail uses are allowed only on the ground level of a building
3. The gross square footage of retail uses shall not exceed 50% of the gross floor area of the building.
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, stationery 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
 - j. Other uses that are the same in nature to the uses specified in 5-a through 5-i above as determined by the Commission of Buildings acting in his/her capacity as Zoning Enforcement Officer. [Note: Small toy stores and nail salons are examples of two potential uses that seem compatible that would not be allowed under the proposed Ordinance as drafted]

Section 7-21(e): 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 section on retail uses permitted as of right [Section 7-21(d)]:
 - a. Retail uses are allowed only as part of a mixed use building containing non-retail uses on the upper floors
 - b. Retail uses are allowed only on the ground level of a building
 - c. The gross square footage of retail uses shall not exceed 50% of the gross floor area of the building.
 - d. Retail uses are specifically limited to the following:
 1. Books, stationery 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
 10. Other uses that are the same in nature to the uses specified in 5(a) through 5(i) above as determined by the Commission of Buildings acting in his/her capacity as Zoning Enforcement Officer. [Note: Small toy stores and nail salons are examples of two potential uses that seem compatible that would not be allowed under the proposed Ordinance as drafted.]

Other

1. Hotel or inn non-profit clubs, lodges and fraternal organizations.
2. *Restaurants and other eating and drinking places of any size.*

Section 7-21(f): Prohibited Uses

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

1. Storage, warehousing and wholesale distribution facilities to use as permitted as of or to a special permitted use except as an ancillary use.
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
8. Portable storage units
9. New or used motor vehicle sales

Section 7-21(g): Site Plan Review

Applicability

Any proposed building or additions of any size , 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 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 7-21(h): 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. Chain link and wire fences are prohibited along any lot lines.

Section 7-21 (i): 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. If Site Plan Review is required, the design of all proposed signs must be reviewed by the Design Review Board, and a recommendation received by the Planning Board prior to action being taken on the site plan review application.

Section 7-21(j): Mechanical Equipment and Refuse Storage

No refuse storage areas or mechanical equipment such as AC units, heating units, or generators shall be located in a front yard, nor within 25 feet of the side yard lot line. Such areas and equipment shall be screened from all public ways, parking areas, residential land uses and open space areas.

Section 7-21(k): 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 one and one half 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 Salem Historical 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 Salem Historical Commission. The "historically significant portions of the building" shall be determined by an architectural preservation professional.

- b. 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 shall remain affordable for a minimum of 99 years as evidenced by deed restrictions and that meet all requirements of M.G.L. Chapter 40B, 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.

Section 7-21(l): Parking Requirements

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

- 1. Parking in this district should be located to the rear or side of the building 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, at a minimum, one (1) tree of at least three and one half inch caliper measured at six inches above grade after planting 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	Two (2) 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 7-21(m): 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:

- a. 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.
- b. 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.
- c. 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.
- d. 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:

- a. 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.
- b. Preferred Uses Permitted As of Right:
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

c. Non-Preferred Uses: All uses other than water-dependent uses, as described in Section 7-21 (m) (2b), are allowed in the Transitional Overlay District only by the issuance of a special permit from the Planning Board.

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

In City Council November 22, 2005

Adopted for first passage by roll call vote of 8 yeas, 3 nays, 0 absent and referred to the Committee of the Whole

In City Council December 6, 2005

Adopted as amended for second and final passage by roll call vote of 8 yeas, 2 nays, 0 absent

A motion for immediate reconsideration in the hopes it would not prevail was denied.

Approved by the Mayor on December 12, 2005

ATTEST:


CHERYL A. LAPOINTE
CITY CLERK