

**CITY OF SALEM
ZONING ORDINANCE**

September 10, 2009

CONTENTS

SECTION 1.0	PURPOSE AND AUTHORITY	1
1.1	PURPOSE.....	1
1.2	AUTHORITY.....	1
1.3	SCOPE.....	1
1.4	APPLICABILITY.....	1
1.5	AMENDMENTS.....	1
1.6	SEPARABILITY.....	2
SECTION 2.0	DISTRICTS	3
2.1	ESTABLISHMENT.....	3
2.2	OVERLAY DISTRICTS.....	3
2.3	ZONING MAP.....	3
2.4	LOT SPLIT BY DISTRICT BOUNDARY LINE.....	4
SECTION 3.0	USE REGULATIONS	5
3.1	PRINCIPAL USES.....	5
3.2	ACCESSORY USES	9
3.3	NONCONFORMING USES AND STRUCTURES.....	10
SECTION 4.0	DIMENSIONAL REQUIREMENTS	13
4.1	GENERAL REQUIREMENTS.....	13
4.2	ROOFING OVER OR ENCLOSING EXISTING PORCHES	16
SECTION 5.0	GENERAL REGULATIONS.....	18
5.1	OFF-STREET PARKING	18
5.2	LOADING	22
5.3	SIGNS.....	24
SECTION 6.0	SPECIAL REGULATIONS	25
6.1	REMOVAL OF EARTH PRODUCTS	25
6.2	TRAILERS	26
6.3	AUTOMOBILE SERVICE STATIONS	26
6.4	SALES OF MOTOR VEHICLES AND BOATS.....	27
6.5	RELIGIOUS OR EDUCATIONAL INSTITUTIONS.....	28
6.6	WIRELESS COMMUNICATION FACILITIES (WCF)	28
6.7	DRIVE-THROUGH FACILITIES	31
6.8	VISIBILITY AT INTERSECTIONS	35
6.9	LAND-BASED WIND ENERGY FACILITIES.....	35
SECTION 7.0	SPECIAL RESIDENTIAL REGULATIONS	44
7.1	MULTIFAMILY DEVELOPMENT	44
7.2	CLUSTER RESIDENTIAL DEVELOPMENT	46
7.3	PLANNED UNIT DEVELOPMENT.....	47
SECTION 8.0	SPECIAL DISTRICT REGULATIONS	51
8.1	WETLANDS AND FLOOD HAZARD OVERLAY DISTRICT (WFHOD)	51
8.2	ENTRANCE CORRIDOR OVERLAY DISTRICT (ECOD).....	57
8.3	BUSINESS PARK DEVELOPMENT DISTRICT	58
8.4	NORTH RIVER CANAL CORRIDOR NEIGHBORHOOD MIXED USE DISTRICT (NRCC).....	61
8.5	CONSERVATION OVERLAY DISTRICT (COD).....	70
SECTION 9.0	ADMINISTRATION AND PROCEDURES	72
9.1	ENFORCEMENT.....	72

9.2	VOLATIONS	72
9.3	BOARD OF APPEALS	73
9.4	SPECIAL PERMITS	74
9.5	SITE PLAN REVIEW	75
SECTION 10.0 DEFINITIONS.....		80

SECTION 1.0 PURPOSE AND AUTHORITY

1.1 PURPOSE. For the purpose of promoting the health, safety, convenience, morals or welfare of the inhabitants of Salem, the zoning regulations and restrictions of this ordinance, ordained in accord with the provisions of Chapter 40A of the General Laws and, in the case of signs, ordained in addition in accord with the provisions of Section 29 of Chapter 93 of the General Laws, are designed among other purposes to lessen congestion in the streets; to preserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase its amenities, to preserve and protect the water supply, open space and conservation of natural resources, to prevent the pollution of the environment and community blight, to ensure housing for all income levels and compliance with the master plan of the City of Salem; all as authorized by, but not limited to, the provisions of the Zoning Act, G.L. c. 40A, as amended, Section 2A of 1975 Mass. Acts 808, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

1.2 AUTHORITY. This Zoning Ordinance is enacted in accordance with the provisions of the General Laws, Chapter 40A, and any and all amendments thereto, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

1.3 SCOPE. For these purposes, the construction, repair, alteration, reconstruction, height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot area that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land in the City are regulated as hereinafter provided.

1.4 APPLICABILITY. All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the City, shall be in conformity with the provisions of the Zoning Ordinance. No building, structure or land shall be used for any purpose or in any manner other than is expressly permitted within the district in which such building, structure or land is located. Where the application of this Ordinance imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this Ordinance shall control.

1.5 AMENDMENTS. This Ordinance may from time to time be changed by amendment, addition, or repeal by the City Council in the manner provided in G.L. c. 40A, s.5, and any amendments thereto.

1.5.1 Petition to Amend. A descriptive plot plan shall accompany all petitions to amend this Ordinance for the purpose of changing the boundary lines of districts as shown on the zoning map. Such plan shall be filed with the City Clerk, and a duplicate copy of such plan shall be filed with the Planning Board. The plan shall be drawn accurately, sufficiently clear to show clearly the following data:

1. The metes and bounds of the site;
2. All streets and other reference marks;

3. All abutting lots, including the names and addresses of the present owners;
4. Any buildings or structures on the site; and
5. All easements or other restrictions on the site.

Except where the petitioner is the City, the plan shall be prepared by a registered land surveyor, and his official stamp or seal shall be affixed to the plan.

1.6 SEPARABILITY. The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision herein.

the final authority on the current zoning status of land and water areas, buildings and structures in the city.

2.3.4 Interpretation of District Boundaries. Where uncertainty exists with respect to the boundaries of districts as shown on the zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed as following such centerlines.
2. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks, or track, of said railroad line.
5. Boundaries indicated as following shorelines shall be construed as following such shorelines at mean low water level.
6. Boundaries indicated as parallel to or extensions of features indicated in rules (1) through (5) above shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale shown on the zoning map. In case of dispute in measurement, the boundary lines shall be determined by the current official assessor's plan.
7. Where physical or cultural features existing on the ground are at variance with those shown on the zoning map, or in other circumstances not covered by rules (1) through (6) above, the Building Commissioner shall interpret the district boundaries.

2.3.5 Islands. All islands within the city limits of Salem including, but not limited to, the islands known as Great Misery, Little Misery, Baker's, North and South Gooseberry's, Eagle, Cat, Tinker's, Coney, Great Haste, Jeggle, and the Marblehead Rock shall be construed as being in a residential-conservation district, whether or not any such islands are shown or designated on the zoning map.

2.4 LOT SPLIT BY DISTRICT BOUNDARY LINE.

Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided that the lot has frontage on a street in the less restricted district.

SECTION 3.0 USE REGULATIONS

3.1 PRINCIPAL USES. Except as provided by law or in this Ordinance in each district, no building or structure shall be constructed, used or occupied, nor shall land be used or occupied, except for the purposes permitted as set forth in the accompanying Table of Principal and Accessory Use Regulations.

3.1.1 By Right. A use listed in the Table of Principal and Accessory Use Regulations is permitted as of right in any district under which it is denoted by the letter "Y" subject to such restrictions as may be specified elsewhere in this Ordinance.

3.1.2 Special Permit: Zoning Board of Appeals. A use designated in the Table of Principal and Accessory Use Regulations by the letters "BA" may be permitted as a special permit only if the Zoning Board of Appeals so determines and grants a special permit therefore as provided in Section 9.4 of this Ordinance subject to such restrictions as are set forth elsewhere in this Ordinance, and such restrictions as said Board may establish.

3.1.3 Special Permit: Planning Board. A use designated in the Table of Principal and Accessory Use Regulations by the letters "PB" may be permitted as a special permit only if the Planning Board so determines and grants a special permit therefore as provided in Section 9.4 of this Ordinance subject to such restrictions as are set forth elsewhere in this Ordinance, and such restrictions as said Board may establish.

C. COMMERCIAL USES	RC	R1	R2	R3	B1	B2	B4	B5	I	BPD
Adult day care	BA	BA	BA	BA	BA	BA	BA	BA	BA	PB
Agricultural use, nonexempt	Y	Y	N	N	N	N	N	N	N	N
Animal clinic or hospital; kennel	N	N	N	N	BA	BA	BA	N	BA	PB
Arts and crafts studios and workshops	N	N	N	BA	BA	BA	BA	Y	Y	Y
Bank, financial agency	N	N	N	N	Y	Y	Y	Y	Y	N
Bed and breakfast	N	N	BA	N	BA	BA	N	N	N	N
Business or professional office, including medical	N	N	N	N	Y	Y	Y	Y	Y	Y
Club or lodge, private	N	N	N	N	N	N	N	Y	N	N
Commercial recreation, indoor	N	N	N	N	N	BA	BA	Y	BA	N
Commercial recreation, outdoor	N	N	N	N	N	BA	BA	N	N	N
Drive-through facilities; fast-food	N	N	N	N	N	PB	PB	PB	PB	N
Drive-through facilities; other	N	N	N	N	N	PB	PB	PB	PB	N
Educational use, nonexempt	N	N	N	N	N	N	N	Y	N	N
Farm stand, nonexempt	Y	Y	N	N	N	N	N	N	N	N
Funeral home	N	N	BA	BA	BA	BA	N	N	N	N
Retail store, except department store, not elsewhere set forth	N	N	N	N	Y	Y	Y	Y	Y	N
General service establishment	N	N	N	N	Y	Y	Y	N	N	N
Golf course	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Historic buildings open to the public	N	N	Y	Y	Y	Y	Y	Y	Y	Y
Hotel, motel, or inn	N	N	N	BA	N	Y	BA	Y	N	N
Marina; waterfront boat yard or yacht club	BA	BA	BA	BA	BA	BA	BA	BA	BA	N
Motor vehicle general and body repair	N	N	N	N	N	BA	BA	N	BA	N
Motor vehicle light service	N	N	N	N	BA	Y	Y	N	Y	N
Motor vehicle, trailer and boat sales, service and rental	N	N	N	N	N	BA	Y	N	Y	N
Museum	N	N	Y	Y	Y	Y	Y	Y	Y	Y
Nonprofit outdoor recreational facilities	BA	BA	N	N	BA	N	N	N	N	N
Personal service establishment	N	N	N	N	Y	BA	Y	Y	N	N
Plumbing, carpentry and sheet metal shop	N	N	N	N	N	N	Y	N	N	N
Restaurant, with service of alcoholic beverages	N	N	N	N	N	Y	N	Y	N	N
Restaurant; drive-in or fast-food	N	N	N	N	Y	Y	Y	Y	Y	N
Restaurant; no service of alcoholic beverages	N	N	N	N	Y	Y	Y	Y	Y	N
Retail department store located within a shopping plaza	N	N	N	N	N	Y	N	N	N	N
Retail-wholesale supply establishments, provided that the wholesale operation does not exceed 50% of the gross floor area	N	N	N	BA	BA	N	N	Y	N	N
Sale and storage of building supplies	N	N	N	N	N	N	Y	N	Y	N
Supermarket	N	N	N	N	N	Y	N	N	N	N
Wind energy facility, commercial scale	N	N	N	PB	N	N	N	N	PB	PB
Wind energy facility, residential scale	PB	PB	PB	PB	PB	PB	PB	N	PB	PB

3.2 ACCESSORY USES

The following accessory uses shall be permitted as set forth in the Table of Principal and Accessory Use Regulations.

3.2.1 Customary Agricultural, Horticultural and Floricultural Operations. Customary agricultural, horticultural and floricultural operations are allowed, provided that:

1. All the buildings combined shall not occupy a greater percentage of the lot area than listed in the Table of Dimensional Requirements.
2. No storage of manure or odor or dust producing substance and no building in which farm animals are kept shall be permitted within one hundred (100) feet of any property line.
3. No greenhouse heating plant shall be operated within fifty (50) feet of the property line.
4. No products shall be publicly displayed or offered for sale from the roadside.

3.2.2 Home Occupations. Professional offices and other home occupations involving the use of a room or rooms in a dwelling to carry on activities in which goods, wares or merchandise are not commercially created or handled may be authorized by special permit, provided that any such home occupation:

1. Shall be operated entirely within a dwelling unit, with no display visible from the street.
2. Shall be operated only by the residents of the dwelling unit, with not more than one (1) regular employee not residing in the dwelling unit.
3. Shall utilize not more than twenty-five (25) percent of the gross floor area of the dwelling unit.
4. Shall display not more than one (1) non-electric announcement sign of an area not greater than one and one-half (1.5) square feet and attached against the building and not protruding therefrom.

3.2.3 Parking. Off-street parking and loading facilities and other accessory uses and buildings shall be allowed, provided that such uses are clearly incidental to the principal use.

3.2.4 Accessory Buildings and Structures. Accessory buildings and structures, such as garages and tool sheds, shall be allowed subject to the following regulations:

1. No accessory building or structure shall be located within any required front yard or within any side yard of a corner lot.
2. No accessory building or structure shall be located nearer than ten (10) feet to the principal building, unless such accessory building or structure is attached to the principal building.
3. No unattached accessory building or structure shall be located nearer than five (5) feet

to any side lot line (side lots in this instance refer to a projected line starting from the front lot line, terminating at the rear lot line parallel five (5) feet from the side or five (5) feet from the rear lot line. The building area of such building or structure, excluding garages, shall not exceed one (1) percent of the lot area or one hundred twenty (120) square feet, whichever is greater, and shall not be located closer than ten (10) feet to any other building on the same lot or any abutting lot.

4. Accessory structures and garages shall not exceed 1.5 stories or eighteen (18) feet in height.

3.2.5 Swimming Pools. Pools used for swimming or bathing shall be in conformity with the requirements of this Ordinance and the State Building Code. Swimming pools shall not be considered structures for purposes of this Ordinance. However, no side of any pool shall be located less than six (6) feet from any rear or side property line, unless a special permit is obtained from the Board of Appeals. Pools shall conform to front yard setbacks as required for dwellings in Section 4.0 of this Ordinance.

1. All accessory structures, installations and equipment, such as showers, dressing rooms, equipment houses or other buildings, shall comply with all applicable requirements of the Zoning Ordinance.

3.2.6 Commercial Vehicles. The term “accessory use” shall not be construed to mean that the land cannot be used for the storage or overnight parking of motor vehicles, including trucks, tractors, trailers except as exempted by Section 6.2, unless the "permitted use" for buildings in the district allows such parking for the storage of commercial motor vehicles.

3.3 NONCONFORMING USES AND STRUCTURES.

3.3.1 Applicability. This Zoning Ordinance shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, s. 5 at which this Zoning Ordinance, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

3.3.2 Nonconforming Uses. The Board of Appeals may award a special permit to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

1. Change or substantial extension of the use;
2. Change from one nonconforming use to another, less detrimental, nonconforming use.

3.3.3 Nonconforming Structures. The Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals :

1. Reconstructed, extended or structurally changed;
2. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

3.3.4 Variance Required. Except with regard to single and two-family structures as provided in subsection 5, below, the reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, shall require the issuance of a variance; provided, however, that the extension of an exterior wall at or along the same nonconforming distance within a required yard shall require a special permit and not a variance from the Board of Appeals .

3.3.5 Nonconforming Single and Two Family Residential Structures. Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure. The following circumstances shall not be deemed to increase the nonconforming nature of said structure:

1. Alteration to a structure located on a lot with insufficient area which complies with all current setback, yard, building coverage, and building height requirements,
2. Alteration to a structure located on a lot with insufficient frontage which complies with all current setback, yard, building coverage, and building height requirements.
3. Alteration to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building coverage and building height requirements.

In the event that the Building Commissioner determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

3.3.6 Abandonment or Non-Use. A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this Ordinance.

3.3.7 Reconstruction after Catastrophe. Any nonconforming structure may be reconstructed after a catastrophe in accordance with the following provisions:

1. Reconstruction of said premises shall commence within two years after such catastrophe.
2. Building(s) as reconstructed shall be located on the same footprint as the original nonconforming structure, and shall be only as great in volume or area as the original nonconforming structure.
3. In the event that the proposed reconstruction would (a) cause the structure to exceed the

volume or area of the original nonconforming structure or (b) exceed applicable requirements for yards, setback, and/or height, a special permit shall be required from the Board of Appeals.

3.3.8 Reversion to Nonconformity. No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

Floor area ratio	-	-	-	-	-	-	-	-	-	2 to 1
<p>* Age restricted housing constructed by the Salem Housing Authority shall be exempt from height requirements in the R2 district.</p>										
<p>** Multifamily dwellings in R3 Districts on lots held under a single ownership and consisting of a minimum of two hundred thousand (200,000) square feet may be built to a maximum height of fifty (50) feet or four (4) stories in height.</p>										
<p>***Retaining walls, boundary walls and/or fences may be built abutting the property line. The height of the retaining walls, boundary walls and/or fences shall be measured on the inside face of the structure on the owner's side. See Section 6.8, Visibility at Intersections.</p>										

TABLE OF B5 DISTRICT DIMENSIONAL REQUIREMENTS	Nonresidential Uses-Existing Building	Nonresidential Uses-New Construction	Residential Uses or Mixed Use - Existing Buildings; see note 1	Residential Uses or Mixed Use - New Construction; see note 1
Minimum lot area (square feet)	2,000	2,000	2,000	2,000
Minimum lot area per dwelling unit (square feet)	-	-	-	500
Minimum lot width (feet)	30	30	30	30
Maximum lot coverage by all buildings (percent)	100	50	100	50
Minimum width of side yard (feet)	-	5	-	5
Maximum height of buildings (feet)	70	70	70	70
Maximum height of buildings (stories)	6	6	6	6
Maximum height of fences and bordering walls	10	10	6	6
Minimum distance between buildings if more than 1 on a lot	-			
	See note 2	See note 2	See note 2	See note 2
Floor area ratio	6 to 1	3 to 1; see note 3	6 to 1	3 to 1
NOTES				
1. Where residential use compromises twenty-five (25) percent or less of the total building area, the regulations for nonresidential uses shall apply.				
2.Distance shall be equal to the height of the taller building. This distance may be reduced to a distance which is sufficient to provide adequate light, air and access, subject to the approval of the planning board. There shall be no requirement for individual row houses sharing a party wall.				
3. May be increased up 6 to 1 for the buildings predominantly characterized as fifty (50%) percent open automobile parking structures.				

4.1.2 Notes to Table of Dimensional Requirements. In interpreting the Table of Dimensional Requirements, the following provisions shall apply:

1. The minimum front yard depth required shall be measured from the right-of-way line where a plan of the right-of-way is on file with the registry of deeds, or in the absence of such a plan, from a line thirty-five (35) feet from and parallel with the centerline of the traveled way to the front building line.
2. The minimum side yard width required shall be measured from the side lot line to the side building line, and the minimum rear yard depth required shall be measured from the rear lot line to the rear building line.
3. On a corner lot, the minimum front yard depth, rather than the minimum side yard width, shall be applied to determine the setback of any building from lot lines abutting any

public way.

4. The minimum lot width required shall be measured at the rear of the required front yard depth and on a line parallel to the right-of-way line where a plan of the right-of-way is on file with the registry of deeds or, in the absence of such a plan, from a line twenty-five (25) feet from and parallel with the centerline of the traveled way.

5. Frontage shall mean a lot line coinciding with the sideline of a street which provides both legal rights of vehicular access and physical vehicular access to the lot, said line to be measured continuously along a single street or along two (2) intersecting streets if their angle of intersection is greater than one hundred and twenty (120) degrees. Vehicular access to a building site on the lot shall be exclusively through the frontage of the lot.

6. The building height shall be measured from the average elevation of the proposed finished grade at the front line of the building to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs. Fences and walls shall be measured from the Finished grade vertically to the highest point.

7. The limitations on height of buildings shall not apply in any district to spires, towers, chimneys, broadcasting and television antennae, ventilators, and other appurtenances or ornamental features usually located above the roof, which features are in no way used for living purposes, nor to farm buildings, churches, municipal buildings or institutional buildings.

4.1.3 Exemption. The provisions of the Table of Dimensional Requirements with respect to area, lot width, lot coverage, yards and height of buildings shall not apply to:

1. The islands within the municipal boundaries of Salem.
2. Wireless communication facilities which meet the requirements of Section 6.6.

4.2 ROOFING OVER OR ENCLOSING EXISTING PORCHES

4.2.1 General. In certain instances, Building Commissioner may issue building permits to repair, rebuild, roof over or enclose existing porches, terraces, outside stairs, and similar appurtenances to dwellings, regardless of the setback requirements as listed in the Table of Dimensional Requirements, provided the following conditions are met:

1. The appurtenant structure to be enclosed and/or roofed over existed before August 27, 1965.
2. No portion of the roofed-over or enclosed structure shall be nearer than five (5) feet to any side or rear lot line. There shall be no restriction insofar as front yard setbacks are required, provided, however, the roof or enclosure does not extend beyond the original structure.
3. The roofing over and/or enclosing of the structure, in the opinion of the Building

Commissioner with the cooperation of the Head of the Fire Department or his designee and the Board of Health, will not be a hazard to the safety or well being of the general neighborhood.

4. If the appurtenant structure to be enclosed and/or roofed over was constructed after August 27, 1965, it may be so enclosed if, in the opinion of the Building Commissioner with the concurrence of the Head of the Fire Department or his designee and Board of Health, it will not be a hazard to the safety or well-being of the general neighborhood.

SECTION 5.0 GENERAL REGULATIONS

5.1 OFF-STREET PARKING

5.1.1 General. Off-street parking spaces shall be provided and maintained by the owner of the property for each building or use which , after the effective date of this Ordinance, is erected, enlarged or altered, according to the regulations set out in this section.

5.1.2 Location. Except as otherwise provided herein, all parking spaces required by this Ordinance shall be on the same lot as the building or use which they are intended to serve, except that the Board of Appeals may permit the parking spaces to be provided within four hundred (400) feet of the building or use intended to be served, if the Board determines that it is impractical to provide parking on the same lot with the building. If a separate lot is used for parking, the ownership of the lot must, for all times, be held by the same ownership as the lot on which the building is erected. If the parking lot ownership is separated from the ownership of the building, this shall be deemed a violation, and the Building Commissioner shall void the certificate of occupancy.

5.1.3 Exempt Uses. Notwithstanding any other provisions of this Ordinance, off-street parking shall not be required for any church or other place of worship or secondary school or institution of higher education, with the exception of the State College at Salem where local ordinances shall prevail.

5.1.4 Reduction. Required parking spaces shall not be reduced or encroached upon in any manner unless a change in use occurs which permits a change in the amount of parking area required.

5.1.5 Design. The design of all off-street parking facilities shall conform to the following:

1. Parking facilities shall be occupied only by passenger cars and commercial vehicles not exceeding seven and one-half (7.5) feet in width and eighteen (18) feet in length.
2. The minimum dimensions of stalls shall be as follows:
 - a. Stall width shall be at least nine (9) feet.
 - b. Stall depth shall be at least nineteen (19) feet for all angle parking and twenty-two (22) feet for parallel parking, Such dimensions may include no more than two (2) feet of any landscaped setback area adjacent to the front or rear of a stall and used for bumper overhang.
3. The minimum width of aisles providing access to stalls for one-way traffic only, varying with the angle of parking, shall be:

<i>Angle of Parking (degrees)</i>	<i>Min. Aisle Width (feet)</i>
Parallel	12
30	11
45	13
60	18
90	20

4. Minimum width of aisles providing access to stalls for two-way traffic shall be twenty-four (24) feet, except that aisles providing access primarily for overnight parking may be a minimum of twenty (20) feet.
5. Parking facilities shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
6. The widths of entrance and exit drives shall be:
 - a. minimum of twelve (12) feet for one-way use only;
 - b. minimum of twenty (20) feet for two-way use, except that driveways providing access primarily for overnight parking, with incidental daytime use, may be a minimum of twelve (12) feet wide; and
 - c. maximum of twenty (20) feet at the street lot line in residence districts and thirty (30) feet in business and industrial districts.

5.1.6 Setbacks. Setbacks for parking areas shall be provided as follows:

1. In all districts parking stalls in parking lots shall be set back from the street lot line to whatever extent may be necessary in the specific situation, as determined by the Building Commissioner, to avoid the probability of cars backing or otherwise maneuvering on the sidewalk upon entering or leaving the stalls. In no case shall parking lots be designed to require or encourage cars to back into a public or private way in order to leave the lot.
2. The surfaced area of a parking lot and all entrance and exit drives shall be set back a minimum of two (2) feet from all lot lines, except where an access driveway crosses the street lot line.

5.1.7 Shared Parking. No part of an off-street parking area required by this Ordinance for any building or use shall be included as part of an off-street parking area similarly required for another building or use unless the type of buildings or uses indicates that the usage of such parking area would not occur simultaneously, as determined by the Board of Appeals via the grant of a special permit.

5.1.8 Table of Required Parking Spaces. The number of off-street parking spaces shall be the minimum required for the uses indicated, as set forth in the Table of Required Parking Spaces. Each parking area shall contain not less than three hundred (300) square feet of gross area for each vehicle, including necessary aisles and driveways, and not less than one hundred seventy (170) square feet of area in each parking stall, with each stall a minimum of nine (9) feet in width. A driveway may be considered a parking space for a dwelling, provided that each vehicle has direct access to a street or public way.

Notwithstanding any restrictions in this Section 5.1.8, no area within five (5) feet of the street line, including any driveway, shall be considered as a parking space in RC, R1, R2 and R3 Districts. In R3 Districts, the restriction on off-street parking will not apply to age restricted housing projects built under the jurisdiction of the Salem Housing Authority and financed by a federal or state subsidy.

Table of Required Parking Spaces	
Use	Required Parking:
Dwellings (RC, R1, R2, R3) rooming houses, tourist homes, home occupations	One and one-half 1 (1/2) spaces per dwelling unit, with a minimum of two (2) spaces, plus one (1) space for each home occupation
Historic buildings open to the public, museums, libraries, municipal buildings other than schools	One (1) space for each two (2) employees, plus such additional spaces for visitors as shall be deemed necessary by the board of appeals
Recreation buildings and areas operated by membership clubs	One (1) space for each two (2) employees, plus one (1) space for each four (4) members
Public and private golf courses, golf driving ranges, miniature golf courses	One (1) space for each two (2) employees, plus one (1) space for each hole
Hospitals and sanitarium, nursing and convalescent homes	One (1) space for each doctor accredited to practice therein, plus one (1) space for each two (2) employees, plus one (1) space for each four (4) beds, excluding bassinets
Philanthropic and charitable institutions	One (1) space for each two (2) employees, plus such additional spaces for visitors as shall be deemed necessary by the board of appeals
Funeral homes	One (1) space for each four (4) seats, plus one (1) space for each two (2) employees, plus one (1) space for each company vehicle; there shall be a minimum of twelve spaces.
Retail business and service establishments, except eating and drinking places.	One (1) space for each one hundred fifty (150) square feet of gross floor area of the building, excluding storage area.
Theaters and other places of public assembly, restaurants and other eating and drinking places, but excluding drive-in restaurants and drive-in snack bars	One (1) space for each four (4) seats, plus one (1) space for each two (2) employees

Drive-in restaurants and other eating and drinking places	One (1) space for each two (2) employees, plus fifteen (15) spaces
Bowling alleys	One (1) space for each alley, plus one (1) space for each two (2) employees
Other places of commercial recreation and entertainment such as roller rinks and dance halls	One (1) space for each thirty-six (36) square feet of floor area plus one (1) space for each two (2) employees
Music and dancing studios, trade and business schools	One (1) space for each two (2) employees, including teachers and administrators, plus one (1) space for each four (4) studios in trade or business schools
Hotels, motels and inns	One (1) space for each guest room, plus one (1) space for each two (2) employees
Business Offices	One (1) space for each employee
Professional offices, medical and dental clinics	One (1) space for each professional person, plus one (1) space for each two (2) other employees, plus two (2) additional spaces for each professional person in the case of medical or dental clinics
Wholesale merchandise brokers, service industry establishments such as plumbing, carpentry, sheet metal and printing shops, warehousing and industrial uses	One (1) space for each company vehicle, plus one (1) space for each two (2) employees, plus one (1) space for each thousand (1,000) square feet of gross floor area of the building, excluding storage area
Wireless communication facility	Where a monopole is located, a minimum of one (1) parking space shall be required per monopole

5.1.9 Central Development (B5) District. The parking requirements for the B5 District will be as follows:

1. Nonresidential uses in the B5 District shall not be required to provide off-street parking since the community will accept the responsibility for nonresidential parking in this district.
2. New residential dwelling uses in the B5 District shall provide parking in accordance with the following schedule:
 - a. Provisions shall be made for not less than one (1) parking space per dwelling unit for existing buildings and one and one-half (1.5) parking spaces per

dwelling unit for new construction.

b. The parking requirements for rehabilitated buildings may be accommodated by either one (1) or a combination of on-site parking and/or parking at municipal or other parking facilities in the vicinity of the proposed use.

c. The parking requirements for new construction shall be accommodated by on-site parking.

d. All municipal or other parking facilities which are used to satisfy the parking requirement must meet the following criteria: 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.

e. If using a municipal facility, the owner must purchase an annual parking pass to satisfy the parking requirement.

f. In contrast to all other defined housing, types built under the jurisdiction of the Salem Housing Authority for elderly and/or handicapped persons shall require one-third parking space per dwelling unit.

5.1.10 Additional Approval by City Engineer. After the effective date of this Ordinance, any parcel of land which is developed as a parking area for ten (10) or more vehicles or as a drive-in business or automobile, trailer or boat sales or service establishment shall be developed as follows, subject to the approval of the plans therefore by the City Engineer.

1. Such area, where subject to wheeled traffic, shall be treated with bituminous concrete or equivalent surfacing and shall have appropriate bumper or wheel guards where needed.
2. A solid wall or fence or compact evergreen screening five (5) feet high shall be erected along all property lines abutting residential uses.
3. Any light used to illuminate said parking area shall be so arranged as to reflect light away from adjoining premises and streets.

5.2 LOADING

5.2.1 General. Off-street loading spaces or loading areas shall be provided and maintained by the owner of the property for each nonresidential building or use which, after the effective date of this Ordinance, is erected, enlarged or altered, according to the following regulations.

5.2.2 Requirements.

1. All loading spaces or loading areas required by this Ordinance shall be on the same lot as the building or use which they are intended to serve, and in no case shall any required loading area be part of an area used to satisfy the off-street parking requirements of this Ordinance.
2. Required loading spaces or loading areas shall not be reduced or encroached upon in any manner unless a change in use occurs which permits a change in the amount of loading area required.
3. No part of an off-street loading area required by this Ordinance for any nonresidential building or use shall be included as part of an off-street loading area similarly required for another building or use, unless the type of buildings or uses indicates that the usage of such loading area would not occur simultaneously, as determined by the Board of Appeals.

5.2.3 Table of Loading Requirements. The-number of off-street loading spaces shall be the minimum required for the uses indicated, as set forth in the Table of Loading Requirements. Each loading bay shall contain not less than three hundred (300) square feet of area, not including necessary driveways, except for tractor-trailer loading bays which shall contain not less than five hundred forty (540) square feet of area, not including necessary driveways. Each loading bay shall have not less than fourteen (14) feet of overhead clearance.

<i>Gross Floor Area of Structures (more than - less than, in thousands of square feet)</i>						Over 300 (for each additional 150 or fraction thereof)
Uses	2-15	15-50	50-100	100 - 150	150-300	
		-				
Retail Trade	-		-	-	-	
Wholesale and storage	-	-	-	-	-	
Industry	1	2	3	4	5	
Communications and utilities	-	-	-	-	-	
Consumer Service	-	-	-	-	-	-
Office building	-	-	-	-	-	-
Hotel and dormitory	1	1	2	3	4	1
Institution	-	-	-	-	-	-
Recreation	-	-	-	-	-	-
Education	-	-	-	-	-	-
						1
New nonresidential uses in the B-5 District shall not be subject to the above schedule of requirements						-
but shall be subject to the following schedule:						-
						-
Gross Floor Area of Structures (square feet)			Required Loading Bays			
0-20,000			none*			
20,001 - 40,000			1			
Each additional 40,000 or fraction thereof			1			
Note: * Loading facilities and service areas for these uses shall be publicly provided through incorporation of service access privileges in public open spaces and rights-of-way, provided they do not adversely affect desired vehicular or pedestrian traffic flows.						

5.3 SIGNS

For regulations on signs, refer to the Salem Sign Ordinance.

SECTION 6.0 SPECIAL REGULATIONS

6.1 REMOVAL OF EARTH PRODUCTS

6.1.1 Special Permit Required. The quarrying of stone or the removal of topsoil, sand, gravel or subsoil by any person, firm or corporation on any parcel of land in the City of Salem shall be allowed only by special permit from the Board of Appeals after public notice and hearing, and no permit shall be issued for more than two (2) years.

6.1.2 Exception. However, these regulations shall not apply where such removal or quarrying is necessarily incidental to or in connection with the construction, alteration, excavation or grading for a building, road or other facility involving a permanent change in the use of the land, provided that there is reasonable assurance that the construction will be diligently carried on until completion.

6.1.3 Requirements. Removal or quarrying by special permit shall be subject to the following conditions:

1. It must be determined that the removal or quarrying is not seriously detrimental to the neighborhood. Removal operations shall not be performed closer than three hundred (300) feet to a public road or to any existing dwelling, school or park. Removal operations as a nonconforming use of land shall not be extended beyond the property lines of the particular parcels upon which such operations are in progress at the time of the adoption of this Ordinance.
2. At no time shall quarries be maintained at levels such that groundwater and surface water accumulate. Such areas shall either be filled or drained.
3. Where there is any open excavation, there shall be a substantial fence with suitable gates completely enclosing the portion of the property in which the excavation is located, and such fence shall be located not closer than fifty (50) feet from the edge of such excavation.
4. When the removal or quarrying is discontinued, the earth shall be reshaped to reduce the disfigurement of the land, with a maximum allowable slope of twenty (20) percent. In case of topsoil removal, the area shall be seeded and maintained until plant cover is well established. These measures shall be taken progressively as the use of each part for removal or quarrying is discontinued and shall not be postponed until final abandonment of the entire operation.

6.1.4 Decision. The Board of Appeals may impose whatever additional requirements it deems necessary to accomplish the purposes herein stated, and such requirements, in addition to those

stated above, shall be considered as conditions of the special permit.

6.2 TRAILERS

6.2.1 General. No person shall park, store or occupy a trailer for living or business purposes within the City of Salem, except:

1. The owner of residential premises may permit occupancy of such premises by nonpaying guests using a trailer for a period not to exceed twenty (20) days. A special permit for this purpose must be obtained from the Building Commissioner before the land can be so occupied. No more than one (1) trailer is permitted with any one (1) residence or lot.
2. A temporary office incidental to construction on or development of the premises on which the trailer is located shall be permitted.

6.2.2 Connection Prohibited. In neither case enumerated in Section 6.2.1 shall the trailer be connected to public water or sewer facilities. Trailers used as temporary construction offices may be connected to telephone and electric facilities.

6.2.3 Storage. Dead storage and/or parking of trailers will be permitted in accordance with the following provisions:

1. Such stored trailers shall not be used for living occupancy, except as stipulated in Section 6.2.1 above.
2. Trailers shall not be stored in any front yard. If stored in any side or rear yard, the trailer shall not be placed closer than ten (10) feet from any lot line or within five (5) feet of any building on an adjacent lot.

6.3 MOTOR VEHICLE LIGHT SERVICE STATIONS

6.3.1 General. Any motor vehicle light service station in any district shall conform at least to the following regulations. Where the density regulations for any district in which a motor vehicle light service station is located are more restrictive than the regulations contained hereinafter, the service station shall conform to the more restrictive dimensional requirements.

6.3.2 Dimensional Requirements.

1. Every service station shall have a minimum lot width of one hundred twenty (120) feet and a minimum lot area of twelve thousand (12,000) square feet, plus an additional two thousand (2,000) square feet of lot area and an additional twenty (20) feet

of lot width for every two (2) pumps and one (1) service bay in excess of four (4) pumps and two (2) service bays. Duplex pumps and/or hoses that are covered or enclosed in a single housing shall be counted as two (2) pumps.

2. Every structure erected for use as an service station shall have a minimum setback from the street right-of-way of forty (40) feet and a minimum setback from all property lines of ten (10) feet. All pump islands shall be set back a minimum of fifteen (15) feet from all property lines.

6.3.3 Service Areas. All vehicle service areas shall be constructed to conform to the following standards:

1. A curb six (6) inches high and six (6) inches wide shall be provided along all property lines abutting street rights-of-way, except for portions used for driveway entrances.

2. The entire area used for vehicle service shall be paved, except for such area as is landscaped and considerably protected from vehicle use by a low barrier.

3. Hydraulic hoists, pits and lubricating, greasing, washing and repair equipment shall be entirely enclosed within a building.

4. The width of driveway entrances shall be not more than twenty-four (24) feet.

5. The angle of intersection of the driveway with the street shall be not more than sixty (60) degrees.

6. The distance from any driveway to any side property line shall be not less than twenty (20) feet.

7. The distance between curb cuts shall be not less than forty (40) feet.

6.3.4 Screening. A solid wall or compact evergreen screening five (5) feet high shall be erected along all property lines abutting residential uses.

6.3.5 Lighting. Exterior lighting shall be so arranged as to reflect light away from adjoining premises and streets.

6.4 SALES OF MOTOR VEHICLES AND BOATS

6.4.1 General. Unless a license is issued by the Licensing Board, no new and/or used motor vehicles, including motorcycles, trailers as defined in this Ordinance, boats and canoes of any description, motors including outboard motors may be displayed and/or sold or rented, regardless of ownership of same, from any building or lot within the City limits.

6.4.2 Exception. This provision, however, shall not apply to any person who resides in RC, R1, R2 and R3 Districts, subject to the following provisions:

1. Only one (1) vehicle or item, as listed hereinbefore, may be displayed for sale in any twelve-month period.
2. The registered owner must reside in and be the owner of the property on which the vehicle for sale is displayed. Persons of the First degree of kindred permanently residing in the dwelling unit may be included in this interpretation.
3. No vehicle for sale shall be permanently displayed on the street at any time, nor shall it be permanently displayed or parked in any front yard area. Refer to Section 4.1.2 for the definition of front yard.
4. Only one (1) "For Sale" sign, which shall not exceed one and one-half (1.5) square feet in area, may be displayed. This sign must be located on the interior side of the front or rear window.

6.5 RELIGIOUS OR EDUCATIONAL INSTITUTIONS

No portion of this Ordinance shall be interpreted to regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by the Commonwealth of Massachusetts or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination or by a nonprofit educational corporation; provided, however, that such land or structures must comply with all the requirements of the Zoning Ordinance concerning the bulk and height of structures, yard size, lot area, setbacks, open space, parking and building coverage requirements of the zoning district in which it is located.

6.6 WIRELESS COMMUNICATION FACILITIES (WCF)

6.6.1 Purpose. The purpose of this amendment is to provide areas where wireless communications facilities (WCF) can be sited by special permit, while minimizing potential damage and adverse visual impacts on adjacent properties, residential neighborhoods, and areas of historic or high scenic value; to allow the provision of necessary wireless communication services in an orderly way; and to promote shared use of existing facilities to reduce the need for new facilities.

6.6.2 General. Except as provided in Section 6.6.6, an applicant for a WCF may not be issued a building permit unless or until a WCF special permit has been issued by the Planning Board. The Planning Board may approve, or approve with conditions, if the petitioner can fulfill the requirements of this section. An application for a WCF special permit shall be denied if the

petitioner cannot fulfill the requirements of this section.

6.6.3 Requirements.

1. A monopole shall be the only wireless communication structure (WCS) issued a WCF special permit. Lattice towers and guyed towers are not allowed as a WCS.
2. A WCF special permit may also be granted for a wireless communication device (WCD) or WCS to be affixed to existing, multi-story, apartment buildings or structures so long as such WCD or WCS shall not exceed fifteen (15) feet in height above the highest building or structure within three hundred (300) feet of the proposed WCF.
3. To the extent feasible, all service provided shall co-locate all WCFs on a single facility. WCFs shall be designed to accommodate the maximum number of users technologically practical. The intent of this requirement is to reduce the number of facilities which will be required to be located within the community.
4. WCSs or WCFs shall be removed by the owner at the owner's expense within six (6) months of cessation of use for the particular purpose for which the applicable special permit or any other permit was originally issued for such WCF. At such a time as the carrier plans to abandon or discontinue operation of said WCF, the carrier shall notify the City by certified mail of the proposed date of cessation or abandonment. If the carrier falls to remove the WCF in accordance with this section, the City shall have the authority to enter the subject WCF and physically remove. The Planning Board may require the applicant to post a bond at the time of construction to cover costs for the removal of the WCF in the event the City must remove the WCF.
5. Any proposed extension in the height, addition of cells, antennas or panels, constitution of a new facility, or replacement of a facility, shall be subject to a new application for an amendment to the special permit.

6.6.4 Submission Requirements. All applications for WCF special permit shall be made and filed with the Planning Board. For an application to be considered complete fifteen (15) copies of the following must be submitted:

1. Locus plan of the proposed area at a scale no greater than one (1) inch = two hundred (200) feet which shows property lines, the exact location of the proposed structures, streets, residential dwellings and all buildings within seven hundred (700) feet of the property
2. A color photograph or rendition of the proposed facility with its antennas or panels. A rendition shall also be prepared illustrating a view of the monopole, dish or antennas from the nearest street.

3. The following information must be submitted and prepared in written form by a knowledgeable registered professional engineer and/or radio frequency engineer or other person deemed qualified by the Planning Board:

- a. A description of the facility;
- b. The technical, economic and other reasons why the proposed location, height and design fulfills the purposes of this Section;
- c. Confirmation that the facility complies with all applicable federal and state rules, regulations and standards-;
- d. A description of the capacity of the facility including the number and type of panels, antennas and/or transmitter's receivers that it can accommodate for the purpose of these calculations;
- e. Confirmation to the Building Commissioner that the proposed facility complies with or is exempt for applicable regulations administered by the FAA, FCC, Massachusetts Aeronautic Commission and the Massachusetts Department of Public Health. This confirmation will be provided to the Building Commissioner by the then current owner every two (2) years after issuance of the original building permit;
- f. The applicable review and advertising fees as noted in the application guidelines.

6.6.5 Design Guidelines. The following guidelines shall be used when preparing plans for the siting and construction of all WCFs.

1. No monopole shall exceed two hundred feet (200) in height.
2. All facilities shall be painted or otherwise colored to blend in with the landscape or the structure on which they are located/attached.
3. WCFs shall be suitably screened from abutters and residential neighborhoods.
4. A security barrier shall be provided to control access to WCFs and shall be compatible with the scenic character of the area.
5. Existing on-site vegetation shall be preserved to the maximum extent possible.
6. There shall be no signs, except for announcement signs, no trespassing signs, safety signs and a required sign giving a phone number where the owner can be reached on a twenty-four-hour basis. All signs shall conform to the City of Salem's Sign Ordinance and Entrance Corridor Overlay District.

7. A monopole shall not be erected nearer to any property line than a distance equal to a minimum of one hundred twenty-five (125) percent of the height of the monopole measured from the lowest point on the base of the monopole.

8. A freestanding monopole shall be located a minimum of five hundred (500) feet from the nearest residential structure.

9. Night lighting of towers shall be prohibited unless required by the FAA. Lighting shall be limited to that needed for emergencies and/or required by the FAA.

6.6.6 As of Right WCF. A WCF can be located and allowed as a matter of right provided it is located within or on a preexisting nonresidential building or municipal structure.

1. In the event that a WCD or WCS is affixed to an existing nonresidential building or municipal structure such WCD or WCS shall not exceed fifteen (15) feet in height above the highest building or structure within three hundred (300) feet of the proposed WCF.

2. In the event that a WCD is to be concealed completely in a preexisting nonresidential structure (e.g. steeples) plans for the proposed concealed antenna shall be submitted to the Building Commissioner for a written determination that the antenna is not visible.

3. Antennas used for City and State emergency services and antennas used solely and exclusively for ham radio operation and home television reception are excluded from this section.

6.7 DRIVE-THROUGH FACILITIES

6.7.1 Purpose. The purpose of this section is to protect the safety, public health, convenience and general welfare of the inhabitants of the City of Salem by providing detailed review of the design and layout of drive-through facilities, which have a substantial impact upon the character of the city and upon traffic, utilities and services therein.

6.7.2 Powers and Administrative Procedures. The Planning Board is hereby designated the Special Permit Granting Authority (SPGA) for drive-through plan approval. The SPGA shall adopt rules relative to the application for special permits for drive-through plan approval and file a copy with the City Clerk. After notice and public hearing and after due consideration of the reports and recommendations of other city boards, commissions and or departments, the SPGA may grant such a permit. The SPGA shall also impose, in addition to any applicable conditions specified in this section, such applicable conditions as the SPGA finds reasonably appropriate to improve the site design, traffic flow, safety and otherwise serve the purposes of this section. Such conditions shall be imposed in writing and the applicant may be required to post a bond or

other surety for compliance with said conditions in an amount satisfactory to the SPGA.

6.7.3 Applicability. This section applies to all uses identified as requiring a special permit for drive-through facilities in the Table of Uses and Section 8.4 regarding the NRCC District.

6.7.4 Site Plan Review. Any proposed drive-through facility shall be subject to site plan review in accordance with the requirements as set forth in Section 9.5, herein.

6.7.5 Traffic Impact Study.

1. A detailed traffic impact analysis in accordance with professional engineering standards is required for any special permit or site plan approval application containing a drive-through facility for fast food. The SPGA may require a traffic impact study for other drive-through facilities. A registered professional engineer experienced and qualified in traffic engineering shall prepare the traffic impact study.

2. A proposed mitigation plan must be included: A plan (with supporting text) to minimize traffic and safety impacts through such means as physical design and layout concepts, or other appropriate means; and an interior traffic and pedestrian circulation plan designed to minimize conflicts and safety problems. Measures shall be proposed to achieve the following post development standards: All streets and intersections to be impacted by the project shall have the same level of service or better than predevelopment conditions. The SPGA must determine that the mitigation is satisfactory.

6.7.6 Standards.

1. There must be a minimum of two hundred (200) feet between curb cuts, unless reduced by the SPGA in those instances when the reduction may be granted without detriment to the public good and without substantially derogating from the intent and purpose of this section.

2. The width of any curb cut shall not exceed twenty-five (25) feet, unless the traffic impact study identifies the need for a larger curb cut and the requirement is increased by the SPGA.

3. Curb cuts must be sufficiently setback from intersections and directional restrictions (i.e. right-in/right-out only and/or a restrictive median) must be provided as required by the Board.

4. A system of joint use driveways and cross access easements shall be established wherever feasible and the proposed development shall incorporate the following:

- a. A service drive or cross access corridor extending the width of the parcel;
- b. Sufficient width to accommodate two-way travel lanes;

- c. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.
5. Developments that provide service drives between properties may be permitted a ten (10) percent reduction in the required number of parking spaces. If information can be provided to show that peak demand periods of development with shared parking or a service drive connection are not simultaneous, the number of required parking spaces may be reduced by twenty (20) percent.
6. Drive-through facilities-Fast food, shall provide a minimum of eight (8) stacking spaces (within the site) before the order board. The facility shall provide another four (4) stacking spaces between the order board and the transaction window. If the facility has two (2) transaction windows the four (4) stacking spaces may be spilt between each of the windows. An additional stacking space shall be provided adjacent to the last transaction windows within the site.
7. Drive-through facilities-Other: Number of stacking spaces to be at the discretion of the Board.
8. Each stacking space shall be a minimum of twenty (20) feet in length and ten (10) feet in width along straight portions. Stacking spaces and stacking lane shall be a minimum of twelve (12) feet in width along curved segments.
9. Stacking lanes shall be delineated from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping and/or the use of alternative paving materials or raised medians.
10. Entrances to stacking lane(s) shall be clearly marked and a minimum of twenty (20) feet from the curb cut measured at the property line.
11. Stacking lanes shall be designed to prevent circulation congestion, both on site and on adjacent public streets. The circulation shall: separate drive-through traffic from site circulation; not impede or impair access into or out of parking spaces; not impede or impair vehicle or pedestrian traffic movement; and minimize conflicts between pedestrian and vehicular traffic. Stacking lanes shall not interfere with required loading and trash storage areas and loading or trash operations shall not impede or impair vehicle movement within stacking lanes. If said separate stacking lane is curbed an emergency by-pass or exit shall be provided.
12. Any outdoor service facilities (including service lane, menu boards, speakers, etc.) for drive-through facilities fast food shall be a minimum of two hundred (200) feet from the property line of a residential use. Any outdoor service facilities (including service lane, menu boards, speakers, etc.) for drive-through facilities-other shall be a minimum of fifty (50) feet from the property line of a residential use. For any drive-

through facility, a landscaped buffer and solid wooden panel fence must be provided along side and rear yards directly adjacent to residential uses to screen the abutting residential use. The landscaped buffer must be a minimum of twenty (20) feet wide.

13. Menu boards shall be a maximum of thirty (30) square feet, with a maximum height of six (6) feet and shall be shielded from any public street and residential properties.

14. A leveling area shall be provided having a minus one percent grade for a distance of thirty (30) feet measured from the nearest exterior line of the intersecting street, to the point of vertical curvature.

15. When a drive-through is proposed on a property with an historic building, the architectural character defining exterior elements of historic building shall be preserved. Signage should be compatible with the historic character of the building.

16. Noise levels generated by all operations, including but not limited to noise emanating from speakers from the resultant establishment(s), shall not increase the broadband sound level by more than ten (10) dB(A) above the ambient levels measured at the property line by the Board of Health or its designee.

17. Any drive-through fast food business asking to operate between the hours of 11:00 p.m. and 6:00 a.m. must come before the City Council for approval pursuant to City Ordinance Chapter 14, Section 14-228.

6.7.7 Compliance.

1. No building permit shall be issued by the Building Commissioner and no construction or site preparation shall be started, until the special permit decision of the Planning Board approving a drive-through facility has been filed with the City Clerk and no appeal has been filed.

2. An as-built plan, certified by a registered professional land surveyor or engineer shall be submitted to the Planning Board and Building Commissioner before the issuance of a permanent occupancy permit.

3. No permanent occupancy permit shall be issued for any building/drive-through facility subject to this section unless such building and all its related facilities have been completed according to the approved site/drive-through plan.

4. Any changes in the approved site/drive-through plan, or in the activity to be conducted on the site shall be submitted to the SPGA for review and approval pursuant to all requirements of this section.

5. The SPGA may, in appropriate cases as it determines, impose further restrictions upon the development or parts thereof as a condition to granting the approval.

6.8 VISIBILITY AT INTERSECTIONS

In order to provide unobstructed visibility at intersections, no sign, fence, wall, hedge or other structure or planting of more than three (3) feet above the established street grade shall be erected, placed or maintained within the triangular area formed by the intersection street lines and a straight line joining said street lines at points which are twenty-five (25) feet distant from the point of intersection, measured along said street lines.

6.9 LAND-BASED WIND ENERGY FACILITIES

6.9.1 Purpose. The purpose of this section is to accommodate wind energy facilities in appropriate locations, while minimizing any adverse visual, safety, and environmental impacts of the facilities.

6.9.2 Definitions.

Wind Energy Facility: All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, all transmission, storage, collection and supply equipment, substations, transformers, site access, services roads and machinery associated with the use. A wind energy facility may consist of one or more wind turbines.

Residential Scale Wind Energy Facilities shall be considered those with a rated nameplate capacity less than or equal to 60 kilowatts per turbine, and a height up to 150 feet.

Commercial Scale Wind Energy Facilities shall be considered those with a rated nameplate capacity greater than 60 kilowatts per turbine and/or a blade-tip height greater than 150 feet.

Distributed Generation Facilities are those which are primarily designed to provide electrical output, or the value thereof, for the use of adjacent structures.

Rated Nameplate Capacity: The maximum rated output of electric power production equipment

Height: The height of the turbine measured from the natural grade to the tip of the blade at its highest point.

Clear area: Area surrounding a wind turbine to be kept free of habitable structures.

Nacelle: The frame and housing at the top of the tower that encloses the gearbox and generator and protects them from the weather.

Rotor: The blades and hub of the wind turbine that rotate during turbine operation.

Wind Monitoring or Meteorological ("test") Towers: A temporary tower equipped with devices to measure wind speeds and direction, and used to determine how much wind power a site can be expected to generate.

6.9.3 Requirements. A Land-based Wind Energy Facility may not be issued a building permit unless or until a special permit has been issued by the Planning Board, irrespective of whether the use is a principal or accessory use. The Planning Board shall approve, or approve with conditions, if the petitioner can fulfill the requirements of this section.

1. Wind monitoring or meteorological towers shall be exempt from height and other dimensional regulations of the Zoning Ordinance and shall follow the setback requirements of this section. Wind monitoring or meteorological towers over a height of 200 feet shall require a Special Permit from the Planning Board. Wind monitoring or meteorological towers equal to or less than 200 feet in height shall be allowed as a matter of right subject to the issuance of a building permit for a temporary structure.
2. Wind Energy Facilities shall be allowed on all land owned by the City of Salem.
3. Wind Energy Facilities shall not be permitted on lots less than 40,000 square feet.

6.9.4 Special Permit Criteria. All wind energy facilities shall be constructed and operated in locations that minimize any adverse visual, safety, and environmental impacts. No special permit shall be granted unless the Planning Board finds:

1. the specific site is an appropriate location for such use;
2. the use will not adversely affect the neighborhood;
3. there will be no serious hazard to people or vehicles from the use;
4. no nuisance will be created by the use; and
5. adequate and appropriate facilities will be provided for the proper operation of the use.

6.9.5 Site Control. The applicant shall submit documentation of the legal right to install and use the proposed facility at the time of application for a Special Permit. Documentation should also include proof of control over the setback area. Control shall mean legal authority to prevent the use of any structure within the setback area for human habitation or other use permitting human occupancy.

6.9.6 Proof of Liability Insurance. Prior to the issuance of a building permit, the applicant shall be required to provide evidence of liability insurance and documentation that said amount is sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility.

6.9.7 Standards. Proposed wind energy conversion facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable electrical, construction, noise, safety, and environmental and communications requirements. All wind energy conversion facilities shall comply with the requirements set forth in this section, unless waived by the Planning Board.

1. Height. Commercial Scale Wind Energy Facilities shall be no higher than 400 feet; Residential Scale Wind Energy Facilities shall be no higher than 150 ft. The height shall be measured from the natural grade to the highest point reached by the rotor blades. The Planning Board may allow this height to be exceeded as part of the special permit process if the project proponent can demonstrate that the additional height is needed and that the additional benefits of the higher tower outweigh any increased adverse impacts.
2. Monopole Towers. Monopole towers are the preferred type of support for wind turbines.
3. Setback or Clear Area. The following setbacks shall be observed:
 - a. The minimum distance from the base of any wind turbine tower to any property line shall be equal to 75% of the height of the structure or the setback provisions of the zoning district, whichever is greater;
 - b. The minimum distance from the base of any wind turbine to any dwelling, business or institutional use shall be equal to the total height of the structure.
 - c. The purpose of the setbacks is to provide a clear area, to be kept free of habitable structures. The clear area does not need to be cleared of trees and vegetation; to the extent possible, existing on-site trees and vegetation shall be preserved. Wetland buffer areas may be within the clear area.
 - d. The Planning Board may reduce the setbacks as appropriate based on site specific considerations.
4. Visual Impact. The proponent shall demonstrate through project siting and proposed mitigation that the wind energy conversion facility minimizes any impact on the visual character of surrounding neighborhoods and the community. This may include, but not be limited to, information regarding site selection, turbine design, buffering, lighting and cable layout.

5. Color. Wind energy conversion facilities shall be painted a non-reflective color that blends with the sky and clouds.

6. Equipment Shelters. All equipment necessary for monitoring and operation of wind energy facilities should preferably be contained within the turbine tower. If this is not feasible, ancillary equipment may be located outside the tower. Whenever reasonable, structures should be joined or clustered and contained either within an underground vault, enclosed within a separate structure, or shielded from view either by year-round landscaping or vegetated buffers to avoid adverse visual impacts.

7. Lighting and Signage.

- a. Wind turbines shall be lighted only if required by the Federal Aviation Administration (FAA). The proponent shall provide a copy of the FAA's determination to establish the required markings and/or lights for the structure.
- b. Lighting of equipment, structures and any other facilities on site shall be shielded from abutting properties.
- c. Signs on the facility shall comply with the City of Salem's sign regulations and be limited to those needed to identify the property and the owner and warn of any danger, and educational signs providing information on the technology and renewable energy usage.

8. Utility Connections. All utility connections from the commercial wind facility site shall be underground unless the applicant demonstrates by substantial evidence that the construction of such underground facilities would be unreasonable owing to circumstances relating to the solid conditions, shape or topography of such a site, or if the utility provider requires the connections to be above ground.

9. Land Clear/Open Space/Rare Species. Wind energy facilities shall be designed to minimize land clearing and fragmentation of open space areas and shall avoid permanently protected open space when feasible. Wind turbines should be sited to make use of previously developed areas wherever possible. Wind energy facilities shall also be located in a manner that does not have significant negative impacts on rare species, including avian species in the vicinity.

10. Noise. The wind energy facility and associated equipment shall conform to Massachusetts noise regulations (310 CMR 7.10). An analysis, prepared by a qualified engineer, shall be presented to demonstrate compliance with these noise standards and be consistent with the Massachusetts Department of Environmental Protection guidance for noise measurement.

11. Shadowing/Flickering. Wind energy conversion facilities shall be sited in a manner that does not result in significant shadowing or flicker impacts. The proponent has the burden of proving that this effect does not have significant adverse impact on neighboring adjacent uses either through siting or mitigation.

12. Safety Standards.

- a. No hazardous materials or waste shall be discharged on the site of any wind energy facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials or waste. An enclosed containment area, designed to contain at least 110 percent of the volume of the hazardous materials or waste stored or used on the site may be required to meet this requirement. The wind energy conversion towers shall also be designed to prevent unauthorized use.
- b. A Wind Energy Facility regardless of height above the ground shall be equipped with a site-specific fire detection and fire suppression system of a type which has been listed by the Underwriters Laboratory (UL) and/or approved by Factory Mutual (FM). The site-specific fire detection and fire suppression system and components shall be approved by the Fire Marshal.
- c. Access to the site must be cleared and maintained to a level of acceptance by the Fire Marshal.

- d. Warning signs indicating voltage must be placed at the base of all ground/base mounted electrical equipment
- e. Electrical equipment shall be locked or fenced to prevent entry.
- f. While monopole construction is preferable in the event guy wires are used, then visible.reflective colored objects such as flags, reflectors, or tape shall be placed on all guy wires up to a height of ten feet above the ground or surface where the wind energy equipment is mounted.
- g. Annual reports to the Fire Department detailing the year's operations, including but not limited to, number of days of operations, energy production, and maintenance items/issues.
- h. Hazardous materials are limited to lube oil or coolants used for routine maintenance and may be stored in limited quantities in their original packaging. Waste oils or coolants shall not be stored on site.
- i. Unauthorized access-no ladders, step bolts, or other climbing means shall be readily accessible to the public for a minimum of fifteen feet above the ground or surface where the wing energy equipment is mounted.
- j. The owner of a proposed wind project shall provide a project summary, electrical schematic, and site plan to the Salem Fire Department with a proposed emergency response plan prior to issuance of a special permit.

6.9.8 Submission Requirements. Fifteen (15) collated sets of application materials shall be submitted with any application for a Wind Energy Facility Special Permit. Application materials shall include all plans and materials required in this section:

1. Documentation. Applications must include: documentation of the legal right to install and use the proposed facility and proof of control over the setback or clear areas, proof of financial surety, proof of liability insurance, certification of lighting requirements from the FAA, certification of attainment for Federal Communications Commission (47 CFR Part 15) relating to interference with radio or television reception, and a statement that satisfies noise requirements.
2. Site Plan Requirements. A one-inch-equals-200 feet vicinity plan, signed and sealed by a Registered Professional Engineer or Licensed Surveyor must be submitted showing:
 - a. Property lines, buildings (including accessory structures), public and private roads within 300 feet of the subject property.
 - b. Proposed location of wind energy conversion facility, including all turbines, fencing, associated ground equipment, transmission

infrastructure, access roads, parking area and any other construction or development attendant to the wind energy conversion facility.

- c. Distances, at grade, from the proposed wind energy conversion facility to each building on the vicinity plan shall be shown.
- d. The proposed changes to the existing property including grading and vegetation removal.
- e. A landscape plan showing existing trees and shrubs, as well as those proposed to be added, identified by size and species
- f. Tree cover and average height of trees on the subject property and adjacent properties within 300 feet.
- g. Contours at each two feet Above Mean Sea Level for the subject property and adjacent properties within 300 feet.
- h. Zoning district designation for the subject parcel

3. Elevations. Elevations shall be either at a 1/4' or 1/8' inch scale showing views at-grade from the north, south, east and west for a 50-foot radius around the proposed wind energy facility. Elevations shall show all equipment, security barriers, structures, existing and proposed trees and shrubs, and grade changes.

4. Photographs and Sight-line Diagrams.

- a. Color photographs of the current view shall be submitted from at least two locations to show the existing conditions.
- b. Each of the existing condition photographs shall have the proposed wind energy facility superimposed on it to accurately simulate the proposed wind energy facility.
- c. Color photographs of the existing conditions at the base of the proposed turbine site shall be submitted. These photographs shall serve as the documentation of the natural condition of the site.
- d. Sight-line diagrams from at least two locations, such as a public roadway or the closest habitable structure, shall be depicted in profile drawings at a scale of one inch equals 40 feet. The diagrams shall show the lowest point of the turbine visible from each location and all intervening trees and buildings.

5. **Materials and Colors.** Specifications for the proposed wind energy facility shall be provided for all equipment and attendant facilities.

6. **Balloon or Crane Test.** Prior to, or at the time of filing an application for a Special Permit, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of the proposed facility. The date, time, and location of such test shall be advertised in a newspaper of general circulation at least 14 days, but not more than 21 days prior to the test. In addition, notice shall be provided to 300 ft abutters and abutting municipalities. Notice of the Balloon test may be combined with the notice of the public hearing.

6.9.9 Professional Fees. The City may retain a technical expert/consultant to verify information presented by the applicant at the cost of the applicant.

6.9.10. Utility Notification. No residential scale wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer owned generator. Off grid systems shall be exempt from this requirement.

6.9.11 Use by Telecommunications Carriers. Wind energy conversion facilities may be used to locate telecommunications antennas, subject to applicable regulations governing such uses, and subject to the following requirements:

1. all ground mounted telecommunications equipment shall be located in either a shelter within the turbine tower or otherwise screened from view year-round; and
2. antennas should be flush-mounted to be keeping in the design of the wind turbine tower; and
3. all cabling associated with the personal wireless facility shall be contained within the tower structure or enclosed within a conduit painted to match the turbine mount.

6.9.12 Term of Special Permit. A Special Permit issued for any wind energy conversion facility shall be valid for 25 years. At the end of that time period, the wind energy conversion facility shall be removed by the applicant unless a renewal or extension of the Special Permit is granted by the Planning Board. Upon request, the Planning Board may extend, renew, or modify the Special Permit if the operation of the facility is satisfactory.

6.9.13 Monitoring and Maintenance.

1. After the wind energy conversion facility is operational, the owner shall submit to the City at annual intervals from the date of issuance of the Special Permit, a report detailing operating data for the facility.
2. Notice shall be provided to the City of any change of ownership.
3. The owner shall maintain the wind energy conversion facility in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the foundation, the support structure, the security barrier (if applicable) and maintenance of the buffer areas and landscaping if present.

6.9.14 Abandonment or Discontinuation of Use.

1. At such time that a wind energy conversion facility is scheduled to be abandoned or discontinued, the applicant will notify the City of Salem by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. In the event that an applicant fails to give such notice, a wind energy facility will be considered to be abandoned if it is not operated continuously for a period of one year, or if it is designated as a safety hazard by the Building Commissioner.
2. Upon abandonment or discontinuation of use, the owner shall physically remove the wind energy conversion facility within 90 days, unless an extension is granted by the Planning Board. "Physically remove" shall mean removal of all equipment and restoration of the location to its natural condition as shown in the baseline documentation photos except that, new landscaping and grading done as part of the turbine installation may remain.
3. If the applicant fails to remove a wind energy conversion facility in accordance with this section, the City shall have the authority to enter the subject property and physically remove the facility. The applicant may be required to provide a form of surety at the time of construction to cover the costs of the removal in the event the City must remove the facility. The applicant shall submit a fully inclusive estimate of costs associated with removal, prepared by a qualified engineer. The amount of the surety should be for 150% of the cost at the time. The amount shall include a mechanism for a Cost of Living Adjustment after 10 and 15 years.

SECTION 7.0 SPECIAL RESIDENTIAL REGULATIONS

7.1 MULTIFAMILY DEVELOPMENT

7.1.1 General. Multifamily Development, if built in accordance with the following requirements shall be allowed in the R3 District as set forth in the Table of Use Regulations upon the grant of a special permit by the Board of Appeals and after site plan approval from the Planning Board.

7.1.2 Standards.

1. Multifamily Development having more than twenty (20) dwelling units shall have a minimum of two (2) access roadways, and traffic of access and egress roads shall be shown.
2. Except as provided in the Table of dimensional Requirements, no structure shall exceed three (3) stories, thirty-five (35) feet in height, measured from the mean finished grade. Each unit shall be separated from all other adjoining units by walls, without openings, except such openings as may be permissible for mechanical services.
3. No structures or group of structures, except one-story garages or carports, shall be nearer to each other than fifty (50) feet. Carports or garages, if not directly attached, shall be at least ten (10) feet from the main buildings.
4. There shall be a lot area of at least one thousand (1,000) square feet for each dwelling unit within each building.
5. There shall be a buffer zone of seventy-five (75) feet from any building or structure on an adjacent lot where said lot is not under the same ownership.
6. There shall be provided at least one and one-half (1.5) paved off-street parking spaces for each dwelling unit. No space shall be considered available for parking which reduces the effective width of the driveway providing access to more than one (1) dwelling unit to less than sixteen (16) feet.
7. Sewage shall be disposed of by means of adequate connections to the municipal sewer system.

7.1.3 Other Uses. Certain other uses, as set forth in Section 7.1.4, will be allowed by special permit within a multifamily development where such uses comply with the following requirements.

1. The ownership title to all buildings and all land shall be held in a single ownership, either by a corporation or an individual.
2. All nonresidential uses shall be located within a multifamily dwelling.
3. The areas required for such special permit occupancy shall be predetermined so as to prevent locating such businesses in a haphazard manner. It is the intention of this provision to concentrate the business into one (1) general area to create a "local business area" within the development area.
4. It is the intention of this Section 7.1.3 to allow certain business uses within the development area to provide services primarily for the tenants of the development. However, this primary use will not prohibit the use for services to the general public. In any event, additional parking and loading spaces conforming to the provisions of Sections 5.1 and 5.2 herein, in addition to the regular parking spaces required for multifamily dwellings, shall be provided.

7.1.4 Eligible Uses. Eligible special permit uses for a multifamily development complying with the Section 7.1.3 above are:

1. Delicatessen stores, including specialty food stores, but not including regular grocery stores, cash or carry dairy product stores or variety stores.
2. Drugstores, excluding soda fountains and notions.
3. Book, stationery or gift shops.
4. Florist shops, but excluding greenhouses.
5. Barbershops, not to exceed two (2) chairs.
6. Beauty parlors, not to exceed two (2) operators.
7. Self-service laundry and dry cleaning, provided that not more than one (1) person (employee) is engaged to superintend such services.
8. Professional offices, but excluding clinics.
9. Restaurants which may serve alcoholic beverages consumed on the premises but excluding drive-in snack shops.
10. Auditoriums with a maximum seating of five hundred (500) persons. Portable sound or motion picture equipment may be used, but the room may not be used for showing of motion pictures exclusively.

11. Outdoor swimming pools which conform with the State Building Code.
12. Banks and savings and loan institutions.

7.2 CLUSTER RESIDENTIAL DEVELOPMENT

7.2.1 Purposes. For the purposes of promoting the more efficient use of land in harmony with its natural features and with the general intent of the Zoning Ordinance and to protect and promote the health, safety, convenience and general welfare of the inhabitants of the City, an owner or owners of a tract of land situated within the R1 One-Family Residential Districts, RC Residential Conservation Districts, R2 Two-Family Residential Districts and R3 Multifamily Residential Districts or a duly authorized agency thereof may, in connection with the submission of a subdivision plan for Planning Board approval under the Subdivision Control Law or, if no such approval is required, after consultation with the Planning Board, make application to the Planning Board for a special permit excepting his plan from the lot area and frontage requirements of Section 4.0 herein.

7.2.2 Submittals. Any petition filed for a cluster residential development under this section shall be accompanied by fifteen (15) copies of a site plan, which shall be at a scale to be established by the Planning Board, and shall include fifteen (15) copies of all the information required for a definitive plan under section III B of the subdivision regulations of the Planning Board of the City of Salem, and such petition shall also be accompanied by fifteen (15) copies of an environmental impact statement as set out in Appendix A of the subdivision regulations of the Planning Board of the City of Salem.

7.2.3 Distribution. The Planning Board shall, within seven (7) days after receipt of said application, transmit one (1) copy of said application and plan to the Building Commissioner, City Engineer, Head of the Fire Department or his designee, Board of Health and Conservation Commission, who may at their discretion investigate the application and report in writing their recommendations to the Planning Board. The Planning Board shall not take final action on such plan until it has received a report thereon from the Building Commissioner, City Engineer, Head of the Fire Department or his designee, Board of Health and Conservation Commission or until thirty-five (35) days have elapsed after distribution of such application without a submission of a report. Notice of the filing of the application shall be given to the City Clerk, Police Department, Department of Public Services, and School Department and further notice shall be given as required by the Planning Board.

7.2.4 Standards.

1. No structure shall exceed two and one-half (2.5) stories.

2. As far as possible, the plan follows the natural contours of the terrain and respects the natural features of the site.
3. The proposed plan is in harmony with the purpose and intent of this Ordinance and the master plan of the City of Salem and that it will promote the purposes of this section.
4. The area of the tract of land to be subdivided is not less than five (5) acres.
5. When the open land is added to the building lots, the total area shall be at least equal in area to the land area required by this Ordinance for the total number of units or buildings proposed in the development for the zoning district.
6. At least twenty (20) percent of the total tract area shall be set aside as common land and shall consist of usable open space. Such common land shall not contain more than fifty (50) percent wetlands or slopeland, nor shall it include streets, ways and parking areas.
7. The cluster development would not result in a net negative environmental impact.

7.2.5 Open Space. Provisions shall be made so that usable open space shall be owned:

1. By the City of Salem for park, open space or conservation use;
2. By a corporation or trust owned or to be owned by the owners of lots or residential units within the land that may be approved by the Planning Board, with provisions for limited easements for recreational use by residents of the City; provided that such ownership shall vest in sufficient rights to enable it to enforce compliance with the restrictions imposed by the Planning Board as conditions of its special permit.

7.2.6 Conditions. The Planning Board may, in appropriate cases as it determines, impose further restrictions upon the cluster residential development or parts thereof as a condition to granting the special permit.

7.3 PLANNED UNIT DEVELOPMENT

7.3.1 Purpose. Planned unit development is designed to provide various types of land use which can be combined in compatible relationship with each other as part of a totally planned development. It is the intent of this Section to ensure compliance with the master plan and good zoning practices, while allowing certain desirable departures from the strict provisions of specific zone classifications. The advantages which are intended to result from the application for planned unit development are to be ensured by the adoption of a precise development plan with a specific time limit for commencement of construction.

7.3.2 Applicability. The Planning Board may grant a special permit for a planned unit development for any parcel of land in the following districts provided that said parcel contains a minimum of the lesser of sixty thousand (60,000) square feet or five (5) times the minimum lot size of the zoning district it is in, and subject to the requirements and conditions set out in this section.

R3 Multifamily Residential District;

B1 Neighborhood Business District;

B2 Highway Business District;

B4 Wholesale and Automotive Business District;

B5 Central Development District;

BPD Business Park Development;

Industrial District;

7.3.3 Uses. All uses or any combination thereof permitted in R3, B1, B2, B4, B5, BPD, and I Districts may be allowed in a planned unit development, subject to the following limitations of uses:

1. There can be a multiplicity of types of residential development, provided that, at the boundaries with existing residential development, where typical development is permitted, the form and type of development on the planned unit development site boundary are compatible with the existing or potential development of the surrounding neighborhoods.

2. A specific commercial or industrial use for property adjacent to an existing commercial or residential zone may be approved as a planned unit development. Where this is permitted, the plan for the total property shall be submitted and the applicant shall clearly detail, by engineering and architectural specifications and drawings, the manner in which the subject area is to be developed and the means that will be employed to protect the abutting property and the health, safety, welfare and privacy enjoyed thereon.

3. In the Business Park Development (BPD) district, residential uses and associated improvements, such as parking and landscaping, cannot exceed 50% of the land area of the parcel(s); or in the case of mixed use buildings, residential uses cannot exceed 50% of the gross square footage of the proposed development.

7.3.4 Dimensional Requirements.

1. Maximum bulk, yards, parking and loading requirements shall be established for each planned unit development by the development plan approved by the Planning Board . Height limitations shall be in accordance with the zoning district in which the planned unit development is located.
2. Minimum lot frontage. To preserve and protect the value of properties adjacent to a proposed planned unit development district and to provide for an orderly and uniform transition, lots which will be adjacent or across the street from existing residential developments shall be required to provide an amount of street frontage not less than that of existing lots but not greater than minimum Ordinance requirements for the zone in which they are located.
3. Minimum lot size. Residential lot sizes in a planned unit development may be reduced below the minimum standards required by the Zoning Ordinance. As a prerequisite, the developer shall demonstrate that there is a reasonable relationship between the proposed lot size and the usable and accessible open area within the total development. An individual lot shall be large enough to provide for private open space associated with the living accommodations.
4. Maximum stories. The maximum number of stories of any building containing residential units in the BPD District is four stories.

7.3.5 Open Space. Provisions shall be made so that usable open space shall be owned:

1. By the City of Salem for park, open space or conservation use;
2. By a corporation or trust owned or to be owned by the owners of lots or residential units within the land that may be approved by the Planning Board , with provisions for limited easements for recreational use by residents of the City; provided that such ownership shall vest in sufficient rights to bogs arid areas of enable it to enforce compliance with the restrictions imposed by the Planning Board as conditions of its special permit.

7.3.6 Application. Any petition filed for a planned unit development under this section shall be accompanied by fifteen (15) copies of a site plan, which shall be at a scale to be established by the Planning Board and shall include fifteen (15) copies of all the information required for a definitive plan under section III B of the subdivision regulations of the Planning Board of the City of Salem, and such petition shall also be accompanied by fifteen (15) copies of an environmental impact statement as set out in Appendix A of the subdivision regulations of the Planning Board of the City of Salem.

7.3.7 Distribution. The Planning Board shall, within seven (7) days after receipt of said application, transmit one (1) copy of said application and plan to the Building Commissioner, City Engineer, Head of the Fire Department or his designee, Board of Health and Conservation Commission, who may at their discretion investigate the application and report in writing their recommendations to the Planning Board. The Planning Board shall not take Final action on such plan until it has received a report thereon from the Building Commissioner, City Engineer, Head of the Fire Department or his designee, Board of Health and Conservation Commission or until thirty-five (35) days have elapsed after distribution of such application without a submission of a report. Notice of the filing of the petition shall be given to the City Clerk, Police Department, Department of Public Services, and School Department and further notice shall be given as required by the Planning Board.

7.3.8 Decision. The Planning Board may grant a special permit where the following findings are made:

1. The proposed planned unit development is in harmony with the purposes and intent of this Ordinance and the master plan of the City of Salem and that it will promote the purpose of this section.
2. The mixture of uses in the planned unit development is determined to be sufficiently advantageous to tender it appropriate to depart from the normal requirements of the district.
3. The planned unit development would not result in a net negative environmental impact.

7.3.9 Conditions. The Planning Board may, in appropriate cases as it determines impose further restrictions upon the planned unit development or parts thereof as a condition to granting the special permit.

SECTION 8.0 SPECIAL DISTRICT REGULATIONS

8.1 WETLANDS AND FLOOD HAZARD OVERLAY DISTRICT (WFHOD)

8.1.1 Purpose. The purpose of this section is:

1. To protect the health and safety of the occupants of lands subject to seasonal or periodic flooding.
2. To protect persons and property from hazard and loss through the regulation of future development of lands adjoining water-courses.
3. To preserve the natural flood-control characteristics and the water storage capacity of wetlands and floodplains and to protect against pollution and contamination of such water supplies and to conserve valuable habitats for wildlife, including fisheries and shellfisheries.
4. To ensure the control and containment of sewage, and the safety of gas, electric, fuel and other utilities from breaking, leaking, shortcircuiting, igniting or any other damage due to flooding.
5. To comply with applicable federal standards for flood prone areas.

8.1.2 Definitions.

1. **Wetlands** are meadows, marshes, swamps, bogs and areas of flowing or standing water and the saline water contiguous with the shoreline. Wetlands are characterized by the presence of wetland soils and of plant communities which require the presence of water at or near the ground surface for a significant portion of the year. Specifically, the wetlands district is designated as follows:
 - a. The areas designated on the maps titled "Wetland Areas of Salem, Massachusetts," Nos. 01 through 31, prepared by Dr. Jerome Long, dated March 15, 1977, on file with the City Clerk, which are incorporated herein by reference, including those areas designated as buffer zones. The boundaries of this wetlands district shall be determined by the scaling distances on said maps.
 - b. All saline waters and land from the mean high tide seaward to the municipal boundaries. Mean High Tide is elevation 8.8 feet Mean Low Water (4.44 feet Mean Sea Level).
2. **Flood hazard district** follows the boundaries of the one hundred-year floodplain which is defined as the relatively flat lowland which adjoins a watercourse or other body

of water and which is subject to periodic flooding by the watercourse or waterbody at a storm frequency of one (100) years. Specifically, the flood hazard district is defined as all areas designated as flood hazard areas Zones A, A3, V3,) as shown on the maps titled, "Federal Emergency Management Agency, Flood Insurance Rate Maps, Nos. 01 through 06, City of Salem, Massachusetts," dated March 15, 1977, as amended, on file with the City Clerk, which are incorporated herein by reference or as may be amended.

- a. The flood hazard district affected by coastal flooding (Zones A3, V3) are based on elevation 14.36 feet mean low water, 10.0 mean sea level. Boundary lines trace this elevation contour. Where it can be properly shown that land is above this elevation, that land shall not be considered as being included in the district.

8.1.3 Overlay District. The WFHOD shall be considered as overlying any other district established by this Ordinance, and any use permitted in the portions of the district so overlaid may be permitted as an exception if authorized by a special permit by the Planning Board. Any proposed use to be located within the limits of these districts, as determined by the Building Commissioner, shall be governed by all regulations of this section as well as all other applicable provisions of this Ordinance. Where the Building Commissioner is unable to determine the exact location of the boundaries of the districts, the Planning Board, with the assistance of the city engineer and the Conservation Commission, shall make the necessary interpretation.

8.1.4 Permitted Uses. In the WFHOD, the following uses are permitted as of right, provided that any and all permits, orders or approvals required by state or federal law shall have been obtained:

1. Conservation of soil, water, plants and wildlife, including wildlife management shelters.
2. Outdoor recreation, including play areas, nature study, boating, fishing and hunting where otherwise legally permitted.
3. Noncommercial signs (as permitted in the underlying district), wildlife management areas foot, bicycle and/or horsepaths and bridges, provided such uses do not affect the natural flow pattern of any watercourse.
4. Agriculture of all types including, but not limited to, grazing, crop farming, nurseries, truck gardening and handling of crops.
5. Forestry, including landscaping and accessory uses such as flower or vegetable gardens, lawns and fences.
6. Temporary nonresidential structures used in connection with fishing or growing, harvesting, storage or sale of crops raised on the premises.

7. Unpaved accessways or unpaved accessory parking lots, substantially at grade, which are not needed in conjunction with vehicle or machinery sales, repairs or storage.
8. Private paved driveways serving a single-family residence where alternative means of access are inappropriate and not reasonably feasible.
9. For single-family detached dwellings, two-family dwellings, or duplex houses existing at the time this section is enacted, the expansion of these (or their accessory) uses to a maximum of fifteen (15) percent of that portion of the lot covered when this section is enacted, provided that such expansions conform to all other provisions of this Ordinance and do not constitute substantial improvement of a structure. Substantial improvement means any repair, reconstruction or improvement of a structure; the cost of which equals or exceeds fifty (50) percent of the actual market value of the structure either (a) before the improvement is started or, (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration, restoration or rehabilitation (but not expansion) of a structure listed on the National Register of Historic Places or State Inventory of Historic Places. Structures erected or expanded under this subsection shall use construction materials and utility equipment that are resistant to flood damage and construction methods and practices that will minimize flood damage in accordance with the Massachusetts State Building Code.

8.1.5 Special Permit Uses. In the WFHOD, no structure or building, including pipes and wells, shall be erected, constructed, substantially improved, enlarged or otherwise created or moved; no area shall be paved; no earth or other material shall be stored, dumped used as fill, excavated or transferred; and no sediment shall be caused to be discharged from or onto a wetlands unless all the following conditions, in lieu of those set forth in Section 9.4, are found to exist as part of the granting of a special permit by the Planning Board:

1. The proposed use will comply in all respects to the uses and provisions of the underlying district in which the land is located.
2. There are adequate convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and property, particularly in the event of flooding of the lot(s) or adjacent lot(s) caused by either overspill from waterbodies or high runoff.
3. Utilities, including gas, electricity, fuel, water and sewage disposal, shall be located and constructed so as to protect against breaking, leaking, shortcircuiting, grounding or igniting or any other damage due to flooding.

4. The cumulative effect of the proposed development or use, when combined with all other existing and anticipated development and uses, will not obstruct or divert flood flow; substantially reduce natural floodwater storage capacity in the local drainage area; destroy valuable habitat for wildlife, including fisheries or shellfisheries; adversely affect groundwater resources or increase stormwater runoff velocity so that water levels on other land are substantially raised or the danger from flooding increased.

5. Further, in the wetlands district only, the Planning Board shall also find the following conditions to be fulfilled:

a. The proposed development or use shall not include the storage of salt, chemicals, petroleum products or other contaminating substances or discharge of any polluting liquids or materials into streams, brooks or wetlands. (The polluting effects of substances on the wetlands are to be gauged by the "Rules and Regulations for the Establishment of Minimum Water Quality Standards and for the Protection of the Quality and Value of Water Resources" of the Commonwealth of Massachusetts.)

b. The floor levels of areas to be occupied by human beings as living or work spaces shall be four (4) feet or more above the seasonal high water table.

c. If the basement floor level is below the seasonal high water table and affords the possibility of human occupancy at some future date, although not originally intended, adequate perimeter drainage and foundation shall be installed to withstand the effect of pressure and seepage. Furnace and utilities are to be protected from the effects of leaching.

d. If the lot is to be served by an on-lot septic system, the leaching area designed for use, as well as a reserved area for future expansion or total future use, shall be plotted with dimensions on the site plan, and the leaching areas shall not be constructed where the seasonal high water table is less than four (4) feet below the bottom of the leaching areas.

6. Further, in the flood hazard district only, the Planning Board shall also find the following conditions to be fulfilled:

a. The floor of the basement or, if none, the lowest floor of new construction or substantial improvement of structures for residential uses shall be at or above the 100-year flood level.

b. The floor of the basement or, if none, the lowest floor of new construction or substantial improvement of structures for nonresidential uses shall be at or above the one-hundred-year flood level or the structures shall be floodproofed to that level in compliance with the applicable requirements of the Massachusetts

State Building Code. Floodproofing measures shall ensure that the structure is watertight and that structural components have the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

7. Further, where the proposed use will be located within a coastal high hazard area (Zone V3 on the FIA Flood Insurance Rate Maps), the Planning Board shall also find the following conditions to be fulfilled:

- a. New structures or substantial improvements shall be located landward of the reach of mean high tide.
- b. New structures or substantial improvements shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the one hundred-year flood level. Space below the lowest floor shall be free of fixed obstruction.*
- c. The support of new structures or substantial improvements shall not be, in whole or in part, by the use of fill.

8.1.6 Special Permit Procedure. An applicant for a special permit shall file fifteen (15) copies of the application to the Planning Board and one (1) copy to the City Clerk, which shall comply with the following submittal requirements:

1. A site plan at a scale of one (1) inch equals twenty (20) feet shall be prepared by a registered land surveyor or registered professional engineer and shall show at least the following:
 - a. Lot lines within which the development is proposed and the tie-in to the nearest road intersection;
 - b. The location, boundaries and dimensions of each lot in question;
 - c. Two-foot contours of the existing and proposed land surface;
 - d. Location of existing and proposed structures, watercourses, drainage and drainage easements, means of access, utilities, and sewer disposal facilities including leaching fields, if any. Proposed elevations should be noted.
2. In the wetlands district, a determination by a qualified engineer of the seasonal high water table, performed during the last two (2) weeks of March or the first three (3) weeks of April. A minimum of two (2) percolation tests for each leaching area shall be performed.

3. A written report describing the proposed development or use relative to each of the conditions of set forth above.
4. In cases of floodproofing or pile construction, certification by a registered professional engineer or architect as to the elevation of floodproofing measures and as to compliance with the applicable sections of the Massachusetts State Building Code concerned with flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood. Where specific methods or techniques have been previously certified, the Planning Board may waive this requirement.
5. A list of federal, state and other local permits required of the applicant.

8.1.7 Planning Board Action. The Planning Board shall, within seven (7) days after the filing of said application, transmit one (1) copy of said application and plan to the Building Commissioner, City Engineer, Head of the Fire Department or his designee, Board of Health and Conservation Commission, who may at their discretion investigate the application and report in writing their recommendations to the Planning Board. The Planning Board shall not take final action on such plan until it has received a report thereon from the Building Commissioner, City Engineer, Head of the Fire Department or his designee, Board of Health and Conservation Commission or until thirty-five (35) days have elapsed after distribution of such application without a submission of a report. The Planning Board shall hold a public hearing on said application as soon as possible after receiving the above reports, in accordance with Chapter 40A of the Massachusetts General Laws. The Planning Board shall notify the applicant in writing of its decision on the special permit. The decision shall document the proposed development or use and the grounds for granting or refusing the special permit. The Planning Board may, as a condition of approval, require that the applicant give effective notice to prospective purchasers, by signs or by recording the special permit at the registry of deeds, of the wetland or flood hazard conditions associated with said premises and the steps undertaken by the petitioner or his successor in title to alleviate the effects of same.

8.1.8 Area and Yard Regulations. The portion of any lot within the wetlands and/or flood hazard districts may be used to meet the lot area, open space and yard requirements for the underlying zoning district in which the lot is situated without application for a special permit.

8.1.9 Amendments to This Section. The adoption of floodplain management zoning is a requirement for Salem's continued participation in the flood insurance program of the federal government. The flood insurance program provides previously unavailable flood insurance protection to property owners in floodprone areas. Future amendments to this section shall comply with applicable federal requirements.

1. Application. The provisions of this section are not intended to repeal, amend, abrogate, annul or interfere with any lawfully adopted state or federal laws or regulations or any local ordinances, covenants, regulations or rules. However, where this section imposes greater restrictions, the provisions of this section shall govern.

8.2 ENTRANCE CORRIDOR OVERLAY DISTRICT (ECOD)

8.2.1 Purpose. The purpose of the Entrance Corridor Overlay District (ECOD) is to augment underlying zoning regulations in designated areas to:

1. Protect and enhance the major entrance ways into the City; and
2. Ensure that such areas are improved in a manner which is in the best interest of the City.

8.2.2 Applicability. The ECOD shall be established along the corridors designated on the zoning map. The boundaries of the overlay shall be interpreted as following the rear lot lines of properties fronting on the corridor or along a line one hundred fifty (150) feet from the centerline of the corridor, whichever is less.

1. Properties within such district shall be controlled by the regulations of the underlying zoning districts, except as hereunder specified. In instances of conflicting requirements, the restrictions listed below shall prevail.
2. The requirements of this section shall not apply to Planned Unit Development (PUD) proposals, or those development proposals which are required to obtain a site plan review special permit.

8.2.3 Requirements. The following requirements shall apply to all properties in the ECOD:

1. Curb cuts. Only one (1) curb cut of no greater than twenty-four (24) feet shall be permitted for all residential uses. A maximum of two (2) curb cuts no greater than twenty-four (24) feet each shall be permitted for all commercial uses.
2. Mechanical equipment and refuse storage areas. 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.

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

1. No fence along front or side lot line shall be more than four (4) feet in height, as measured from the curb level of the street, or 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 front and side lot lines.
3. Any fence constructed within an ECOD shall require a fence permit issued by the City building department.

8.2.5 Parking Areas. 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:

1. 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.
2. 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.
3. 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.

8.2.6 Signage. A sign review committee, comprised of the following members, shall be established for the purpose of reviewing all signage proposed for the ECOD; Building Commissioner or designee; and City Planner or designee; and representative of the Salem Redevelopment Authority.

1. The sign review committee shall review the size, location, type of material and design of all signs located within an ECOD.
2. The sign review committee shall follow the Salem Sign Ordinance, except that the sign review committee shall be allowed to limit the size of all signs within an ECOD to one-half (1/2) the size which is allowed in the underlying zone.
3. Approval by a simple majority of this committee is required prior to a sign permit being granted by the City.

8.2.7 Site Plan Review. All new construction over two thousand (2,000) square feet in nonresidential uses shall be required to be reviewed and approved under the provisions of site plan review by the Planning Board.

8.3 BUSINESS PARK DEVELOPMENT DISTRICT

8.3.1 Purpose. The Business Park Development District is designed to provide encouragement for the development of land uses which will further the objectives of:

1. The creation of business and industry within the City.
2. Enhancement of the City's employment base.

3. Enhancement of the City's tax and revenue base. It is also the intent of this section to ensure compliance with the master plan and acceptable zoning practices.

8.3.2 Special Permit Required. No development in excess of ten thousand (10,000) square feet of gross building area shall be allowed within the Business Park Development Zoning District without a business park development special permit from the Planning Board.

8.3.3 Parking. The parking requirement for a development in excess of 10,000 square feet shall be determined by the Planning Board. Development less than 10,000 square feet shall comply with the parking requirements set forth in Section 5.1.

8.3.4 Application. Any petition filed for a business park development under this section shall be accompanied by fifteen (15) copies of a site plan, which shall be at a scale to be established by the Planning Board and shall include fifteen (15) copies of all information required for a definitive plan under Section III B of the Subdivision Regulations of the Planning Board of the City of Salem, and such petition shall also be accompanied by fifteen (15) copies of an environmental impact statement as set out in Appendix A of the Subdivision Regulations of the Planning Board of the City of Salem. The site plan shall also contain the following information:

1. Location and dimensions of all building and other construction;
2. Location and dimensions of all parking areas, loading areas, walkways and driveways;
3. Location and dimensions of internal roadways and accessways to adjacent public roadways;
4. Location and type of external lighting;
5. Location, type, dimensions and quantities of landscaping and screening;
6. Location and dimensions of utilities, including water, surface drainage, sewer and other waste disposal;
7. Location of snow storage areas;
8. Location of existing natural features, including ponds, bridges, streams and wetlands;
9. Topography of the land at two-foot contours.

8.3.5 Narrative. Such site plan shall also be accompanied by a brief narrative, as requested by the Planning Board, addressing these concerns in the following defined categories:

1. Buildings;
2. Parking and loading;
3. Traffic flow and circulation;
4. External lighting;
5. Landscaping and screening;
6. Utilities;
7. Snow removal.

8.3.6 Complementary and Ancillary Uses. In addition to the uses set out as permitted uses in the Business Park Development District in the Table of Use Regulations, the development of other uses shall also be allowed at the discretion of the Planning Board, if the Board determines that such use will complement existing and proposed uses and act as an acceptable ancillary use. Such other uses to be considered are as follows:

1. Restaurants and other eating establishments;
2. Hotels, motels and other lodging establishments.

8.3.7 Review. The Planning Board shall review such submitted information in accordance with accepted site planning standards and attempt to promote such standards and make certain that the development, if approved, take place in a manner which will in all aspects be an asset to the City. The Planning Board shall request changes in such plans and information submitted to promote the quality of the development and its impact upon the health, safety, convenience and general welfare of the inhabitants of the City.

8.3.8 Distribution. The Planning Board shall, within seven (7) days after receipt of said application, transmit one (1) copy of said application and plan to the Building Commissioner, City Engineer, Head of the Fire Department or his designee, Board of Health and Conservation Commission, who may at their discretion investigate the application and report in writing their recommendations to the Planning Board. The Planning Board shall not take final action on such plan until it has received a report thereon from the Building Commissioner, City Engineer, Head of the Fire Department or his designee, Board of Health and Conservation Commission or until thirty-five (35) days have elapsed after distribution of such application without a submission of a report. Notice of the filing of the petition shall be given to the City Clerk, Police Department, Department of Public Services, and School Department and further notice shall be given as required by the Planning Board.

8.3.9 Decision. The Planning Board may grant such a special permit provided that:

1. If the surrounding area is residential in nature or is land reserved for conservation use, or is land which the board determines to be appropriate for such a requirement, a seventy-five-foot buffer zone shall be provided on the parcel being proposed for development within which no construction or disturbance of land, excepting approved landscaping or screening, shall take place.
2. To enhance the quality of the development and to maintain adequate open space, ten (10) percent of all land area must be maintained as open space. No construction of any kind shall take place in such area.
3. Screening and landscaping: The proposed development shall properly screen all buildings, structures and other construction with vegetative landscaping, earth berms, fencing or other appropriate screening as determined by the Planning Board.

8.3.10 Waivers and Further Conditions. The Planning Board may waive any requirement of this Section in the grant of any special permit. The Planning Board may, in appropriate cases, impose further restrictions as a condition in the grant of any special permit.

8.4 NORTH RIVER CANAL CORRIDOR NEIGHBORHOOD MIXED USE DISTRICT (NRCC)

8.4.1 Purpose. The North River Canal Corridor Neighborhood Mixed Use District (NRCC) is intended to fulfill the goals and objectives contained within the Neighborhood Master Plan for the North River Canal Corridor (the NRCC Plan). The NRCC 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 NRCC 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.

8.4.2 Standards. In order to achieve these goals, all development shall comply with the following standards:

1. All development shall be in compliance with the NRCC Plan
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 parks, open space, pedestrian facilities, and both public and commercial recreational facilities; marinas, boat yards, boat basins, boat storage yards, yacht clubs, and other commercial and recreational boating; shore protection structures such as seawalls, bulkheads and revetments; flood, water level, or tidal control facilities; 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.

8.4.3 Consistency with 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-the NRCC Plan and this Section.

8.4.4 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 District.

8.4.5 Uses. Uses are permitted as set forth in the following Table of NRCC Uses. The Planning Board shall serve as the special permit granting authority in the NRCC District.

TABLE OF USES - NRCC DISTRICT	
USE	
1.0 Artist space	

1.1 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	Y
1.2 Trade schools having interior classroom space and where no exterior work occurs on site	Y
1.3 Galleries	Y
1.4 Music, recording, and dancing studio	SP
2.0 Office	
2.1 Business and professional offices	Y
2.2 Medical and dental offices	Y
3.0 Research and Manufacturing , as listed below, provided that such operations are: a. not dangerous by reason of hazard from fire or explosion; b. 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; and c. are compatible with adjacent non-industrial uses	
3.1 Laboratories engaged in research, experimental and testing activities which may include the development of mockups and prototypes but not the manufacture of finished products	Y
3.2 Manufacturing of biotechnology and pharmaceutical products including fabrication, assembly, finishing work	Y
3.3 Operation and expansion of any existing businesses shall be allowed by right if in compliance with the standard set forth above	Y
3.4 Light manufacturing of products, other than biotechnology and pharmaceutical, including fabrication, assembly, finishing work	SP
4.0 Residential	
4.1 Single family detached dwelling	Y
4.2 Two-family attached dwelling	Y

4.3 Multifamily residential use as secondary use in upper floor(s) of building primarily used for retail personal service or office purposes	Y
4.4 Multifamily residential uses as primary uses in townhouse, row house, flats or multistory arrangements provided that: a. Multi-family residential uses about a residential use. A multifamily 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	SP
5.0 Retail	
5.1 Books, stationery and gift stores	Y
5.2 Florist shops, but excluding greenhouses	Y
5.3 Crafts, related stores selling jewelry, crafts, etc. where production occurs on the premises	Y
5.4 Specialty food stores, including candy store, meat market, delicatessen, or bakery, but not those where food is served for consumption on the premises	Y
5.5 Barber shops and beauty parlors	Y
5.6 Tailor and custom dressmaking shops	Y
5.7 Banks and savings and loan institutions;	Y
5.8 Laundromats/dry cleaning establishments	Y
5.9 Stores selling alcoholic beverages	Y
5.10 Other uses that are the same in nature to the uses specified above as of right as determined by the Building Commissioner	Y
5.11 Any individual retail use set forth above with more than 3,000 gross square feet in floor area	SP
6.0 Other	
6.1 Hotel or inn non-profit clubs, lodges and fraternal organizations	SP
6.2 Restaurants and other eating and drinking places of any size	SP

6.3 Drive-through facilities: other, in accordance with the requirements of Section 6.7 on a lot with at least 1.5 acres	SP
6.4 Wind energy facility, residential scale	SP
6.5 Wind energy facility, commercial scale	N
7.0 Prohibited	
7.1 Storage, warehousing and wholesale distribution facilities except as an accessory use	N
7.2 Drugstores	N
7.3 Supermarkets	N
7.4 Motor vehicle service stations	N
7.5 Drive-through facilities-Fast food	N
7.6 Motor vehicle car wash	N
7.7 Motor vehicle general and body repair	N
7.8 Portable storage unit	N
7.9 New or used motor vehicle sales	N

8.4.6 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.

8.4.7 Signage. All signage shall follow the Salem Sign Ordinance, except that the size of all signs within the NRCC District shall be one-half (0.5) the size which is allowed by the Salem Sign Ordinance.

1. 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.

8.4.8 Mechanical Equipment and Refuse Storage. No refuse storage areas or mechanical equipment such as HVAC units, heating units, or generators shall be located in a front yard, nor within twenty five (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.

8.4.9 Parking Requirements. Parking areas within the NRCC 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.
3. Such landscaping shall include, at a minimum, one (1) tree of at least three and one-half-inch caliper measured at six (6) inches above grade after planting for each three (3) parking spaces. Trees shall be planted in plant beds bounded by six-inch granite curbing. 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. 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.
4. Parking spaces for the following uses shall be provided as follows:
 - a. Two (2) spaces per dwelling unit, with a minimum of two (2) spaces, plus one (1) space for each home occupation
 - b. One (1) space per dwelling unit, plus one (1) space for patrons for artist space with a studio where items are sold.
 - c. All other uses in the NRCC District shall follow the parking requirements as listed in this Zoning Ordinance.

8.4.10 Density Regulations. A building erected hereafter for uses permitted in the NRCC District shall meet the requirements set forth in the Table of Dimensional Requirements.

8.4.11 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 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:

1. If one hundred (100) percent 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) percent 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.

2. For every unit of affordable housing, 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, one dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed twenty-five (25) percent of the maximum number of units permitted.

8.4.12 Retail Uses. The following standards shall apply to all retail uses:

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 fifty (50) percent of the gross floor area of the building.
4. Except by special permit, each individual retail use shall not exceed three thousand (3,000) gross square feet in size. Individual retail uses cannot be combined.

8.4.13 Transitional Overlay District. The Transitional Overlay District encompasses those parcels that are located at the boundaries of the NRCC District and that also abut a residential zone (either directly or across a public way) or abut a residentially used parcel outside the NRCC District. This section of the Ordinance sets additional requirements for development of those parcels. It is intended to create development in the NRCC 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 District. Properties located within the Transitional Overlay District shall meet the following requirements:

1. Height of buildings: Buildings located within fifty (50) feet of a residentially zoned or used parcel shall be a maximum of forty (40) feet in height or three (3) stories.
2. Loading facilities: Loading facilities shall be located at the rear or side of the structure and must be a minimum of fifty (50) feet from abutting residentially zoned or used parcels so as to minimize the impact on the abutting residential parcels.
3. Buffer areas: A buffer zone is an area where no construction or destruction of land shall take place. A minimum buffer area of fifty (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.

4. Fences/boundary walls: The maximum height of fences and boundary walls adjacent to residentially zoned or used parcels can be increased to ten (10) feet with special permit approval from the Planning Board.

8.4.14 Transitional Overlay District; Additional Requirements. 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:

1. Loading facilities: Loading facilities shall be located at the rear of the structure and must be a minimum of fifty (50) feet from the river's edge.
2. Preferred uses permitted as of right include:
 - a. Water dependent uses, particularly 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.
3. Non-preferred uses include all uses other than water-dependent uses, as described above. Non-preferred uses are allowed in the Transitional Overlay District only by the issuance of a special permit from the Planning Board.

8.4.15 Site Plan Review. 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. The site plan shall include the following in addition to the requirements of section 9.5.

1. Information on subsurface contamination/toxic material and adequate plans for remediation so that the public health will not be adversely affected;
2. Floodplain information and plans for adequate management of any anticipated problems;

3. Adequate stormwater management plans;
4. Information on the water distribution and sanitary sewer system and plans for any modification necessary to adequately serve the proposed development

8.4.16 Action. 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, 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 shall be designed to complement and harmonize with adjacent land uses (existing and proposed) with respect to architecture, scale, landscaping and screening.
4. 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.
5. Buildings shall be located in a way to create a presence on main corridor street edges.
6. Parking lots shall avoid large expanses that are unbroken by buildings or substantial landscaped areas.
7. Ground floor spaces should have lively, pedestrian friendly uses.
8. Buildings shall have a strong pedestrian connection to streets and/or pedestrian ways.
9. New facade elements on existing buildings shall use materials and details that are consistent with the architectural heritage of the buildings on which they are located.
10. Parking facilities are located to the rear or side of the structures whenever physically feasible.
11. Traffic calming measures should be used to discourage cut through traffic in the rear parking lot of any site.

8.5 CONSERVATION OVERLAY DISTRICT (COD)

8.5.1 Purpose. The purpose of the Conservation Overlay District (COD) is to augment underlying zoning regulations in designated areas in order to:

1. Promote conservation of soil, water, plants and natural resource areas;
2. Protect and enhance habitat and wildlife;
3. Preserve historic open space, passive recreation, and nature study areas within the community;
4. Prevent soil and groundwater pollution;
5. Foster more effective environmental protection;
6. Ensure that such areas are improved in a manner which is in the best interest of the City.

8.5.2 Applicability. The Conservation Overlay District shall be established along the areas designated on the zoning map. The boundaries of the overlay shall be interpreted as following the boundaries of Highland Park.

1. Properties within such district shall be controlled by the regulations of underlying zoning districts, except as specified within this Ordinance in instances of conflicting requirements, the restrictions listed below shall prevail.
2. The requirements of this section shall not apply to work performed to maintain or repair the existing uses within Highland Park.

8.5.3 Uses and Other Requirements. In addition to the general purposes recited above, the Conservation Overlay District is intended to protect Salem's last remaining acreage of historic natural resource areas, in particular Highland Park, from the negative effects and intrusion of additional development; to provide for safe, continuous public access to, from and within Highland Park; and to enhance open space within existing greenbelts by means of suitable buffer zones to assure and reclaim reasonable public and visual access to existing natural resource areas.

The following requirements shall apply to all properties and uses within the Conservation Overlay District.

1. Unless otherwise exempt pursuant to this subsection, no alteration, addition, construction, reconstruction, or expansion of any buildings, uses or structures within the Conservation Overlay District shall be permissible.

2. The expansion, development, or alteration of existing facilities or uses located within the Conservation Overlay District, including the expansion of the existing municipal golf course, shall be specifically prohibited, with the exception that (1) the expansion or creation of walking paths and nature trails within the Overlay District area shall be permissible; (2) the expansion of the existing buildings or uses associated with the current municipal golf course shall be permissible provided that any expansion shall not exceed the footprint of the existing area designated for the golf course; (3) temporary uses customarily and incidental to existing facilities shall be permissible.

SECTION 9.0 ADMINISTRATION AND PROCEDURES

9.1 ENFORCEMENT

9.1.1 General. This Ordinance shall be administered and enforced by the Building Commissioner. For the purpose of such administration and enforcement, the following procedures shall apply:

9.1.2 Permit Required. No building or other structure shall be erected, moved, added to or structurally altered until a permit therefor has been issued by the Building Commissioner. All applications for such permits shall be in accordance with the requirements of the building code. No building permit shall be issued unless all the provisions of this Ordinance have been complied with, except after written order from the Board of Appeals.

9.1.3 Certificate of Occupancy Required. No land shall be occupied or used and no building or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure shall be used, occupied or changed in use until a certificate of occupancy shall have been issued therefor by the Building Commissioner, stating that the proposed use of the building or land conforms to the requirements of this Ordinance. The certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.

9.1.4 Records. The Building Commissioner shall maintain a record of all certificates of occupancy, and copies shall be furnished to any person having a proprietary or tenancy interest in the building affected.

9.2 VIOLATIONS

9.2.1 Complaint. Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and bases thereof, shall be filed with the Building Commissioner. He shall record promptly any such complaint, immediately investigate and take action thereon. The Building Commissioner shall also notify in writing the party requesting such enforcement of any action or refusal to act and the reasons therefor, within fourteen (14) days of receipt of such request.

9.2.2 Notice. If the Building Commissioner shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal uses of land, buildings or structures, removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any

illegal work being done; or any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

9.2.3 Penalty. Violation of any of the provisions of this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance shall, upon conviction thereof, be fined not more than three hundred dollars (\$300.00) per violation and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

9.3 BOARD OF APPEALS

9.3.1 Establishment. A Board of Appeals is hereby established, which shall consist of five (5) members to be appointed by the mayor, subject to the confirmation of the City Council, each for a term of five (5) years and with the term of one (1) appointee expiring each year.

1. The board shall elect annually a chairman from its membership, shall appoint a secretary and shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of the General Laws, Chapter 40A.

2. The mayor, subject to the confirmation of the City Council, may appoint associate members to the Board of Appeals. In accordance with Chapter 40A, no more than two (2) associate members may be on the Board of Appeals at any time, and their duties shall be as determined by Chapter 40A.

9.3.2 Powers. The Board of Appeals shall have the following powers and duties:

1. To hear and decide appeals taken as provided in Chapter 40A of the General Laws.

2. To hear and decide applications for special permits as provided in Section 9.4, hereof, except such applications for special permits where the power to grant is vested in the Planning Board by this Ordinance.

3. To authorize upon appeal, or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land or to an existing building thereon a variance from the terms of the applicable Zoning Ordinance or bylaw where, owing to conditions especially affecting such parcel or such building but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this Ordinance would involve substantial hardship, financial or, otherwise, to the appellant and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such Ordinance, but not otherwise. In exercising the powers under this subsection ~~(d)~~(3), the board may impose limitations both of time and of use, and a

continuation of the use permitted may be conditioned upon compliance with regulations to be made and amended from time to time thereafter.

4. To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in G.L. c. 40B, ss. 20-23.

9.3.3 Regulations. The Board of Appeals may adopt rules and regulations for the administration of its powers.

9.3.4 Fees. The Board of Appeals may adopt reasonable administrative fees and technical review fees for petitions for variances, administrative appeals, and applications for comprehensive permits.

9.3.5 Lapse. Rights authorized by a variance that are not exercised within one (1) year of the date of the grant of such variance shall lapse.

9.4 SPECIAL PERMITS

9.4.1 Special Permit Granting Authority. Unless specifically designated otherwise, the Board of Appeals shall act as the Special Permit Granting Authority.

9.4.2 Criteria. Special permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include consideration of each of the following:

1. Community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character;
5. Impacts on the natural environment including view; and
6. Potential economic and fiscal impact, including impact on City services, tax base, and employment.

9.4.3 Procedures. An application for a special permit shall be filed in accordance with the rules and regulations of the Special Permit Granting Authority.

9.4.4 Conditions. Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the Special Permit Granting Authority may deem necessary to serve the purposes of this Ordinance.

9.4.5 Regulations. The special permit granting authority may adopt rules and regulations for the administration of this section.

9.4.6 Fees. The special permit granting authority may adopt reasonable administrative fees and technical review fees for applications for special permits.

9.4.7 Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the City Clerk.

9.5 SITE PLAN REVIEW

9.5.1 Purpose. This provision is intended to protect and promote the health, safety, convenience and general welfare of the inhabitants of the City, promote acceptable site planning practices and standards within the City of Salem and ensure compliance with the City of Salem master plan and good zoning practices.

9.5.2 Applicability. Site plan review shall be required for:

1. Nonresidential structure or premises exceeding ten thousand (10,000) gross square feet; or
2. Residential structure containing six (6) or more residential dwelling units.

9.5.3 Application. Any application for approval of a site plan review under this section shall be accompanied by fifteen (15) copies of a site plan, which shall be at a scale to be established by the Planning Board and, according to the size of the development, shall include fifteen (15) copies of all information required for a Definitive Plan under Section III B of the Subdivision Regulations of the Planning Board of the City of Salem, and such petition shall also be accompanied by fifteen (15) copies of an environmental impact statement as set out in Appendix A of the subdivision regulations of the Planning Board of the City of Salem, as requested. The plan shall contain the following information:

1. Location and dimensions of all buildings and other construction;
2. Location and dimensions of all parking areas, loading areas, walkways and driveways;

3. Location and dimensions of internal roadways and access ways to adjacent public roadways;
4. Location and type of external lighting;
5. Location, type, dimensions and quantities of landscaping and screening;
6. Location and dimensions of utilities, gas, telephone, electrical, communications, water, drainage, sewer and other waste disposal;
7. Location of snow storage areas;
8. Location of all existing natural features, including ponds, brooks, streams and wetlands;
9. Topography of the site, with two-foot contours;
10. Conceptual drawing of buildings to be erected, including elevations, showing architectural styles.

9.5.4 Narrative. Such site plan shall also be accompanied by a brief narrative, as requested by the Planning Board, addressing these site plan requirements and other appropriate concerns in the following defined categories:

1. Buildings;
2. Parking and loading;
3. Traffic flow and circulation;
4. External lighting;
5. Landscaping and screening;
6. Utilities;
7. Snow removal;
8. Natural area protection and enhancement;
9. Compatibility of the architecture of the proposed development with existing architecture of the surrounding area.

9.5.5 Distribution. The Planning Board shall, within seven (7) days after receipt of said application, transmit one (1) copy of said application and plan to the Building Commissioner,

City Engineer, Head of the Fire Department or his designee, Board of Health and Conservation Commission, who may at their discretion investigate the application and report in writing their recommendations to the Planning Board. The Planning Board shall not take final action on such plan until it has received a report thereon from the Building Commissioner, City Engineer, Head of the Fire Department or his designee, Board of Health and Conservation Commission or until thirty-five (35) days have elapsed after distribution of such application without a submission of a report. Notice of the filing of the petition shall be given to the City Clerk, Police Department, Department of Public Services, and School Department and further notice shall be given as required by the Planning Board.

9.5.6 Review Criteria. The Planning Board shall review such submitted information in accordance with accepted site planning standards and attempt to promote such standards and make certain that the development, if approved, takes place in a manner which shall in all aspects be an asset to the City. The Planning Board shall request changes in such plans and information submitted to promote the quality of the development and its impact upon the health, convenience, and general welfare of the inhabitants of the City. The Planning Board shall review and amend all such submitted plans in accordance with the following criteria:

1. Adequacy of parking facilities and number of parking spaces proposed for each development;
2. Adequacy of loading facilities;
3. Adequacy of traffic circulation system;
4. Adequacy of access points and routes to and from the land parcel to adjoining streets and ways;
5. Adequacy of type and amount of external lighting to be provided on the parcel;
6. Adequacy of type, quality and quantity of landscaping to promote an aesthetically pleasing environment and to properly screen the development from adjacent land uses;
7. Adequacy of type, quality and quantity of vegetative screening to protect adjacent and nearby land parcels from structures not aesthetically pleasing or wholly compatible with such parcels;
8. Adequacy of the methods of disposal of sewage, refuse and other waste;
9. Adequacy of the method of surface drainage across and from the site;
10. Adequacy of the method of water distribution to and from the parcel and its structures;

11. Adequacy of pedestrian circulation systems to and from parking areas and structures;
12. Adequacy of protection or enhancement of natural areas;
13. Compatibility of the architecture of structures with architecture of surrounding or nearby buildings.

9.5.7 Constructive Approval. Failure of the Planning Board to take final action upon an application within ninety (90) days following the date of the public hearing shall be deemed to be a grant of the approval applied for.

9.5.8 Decision. After a notice and public hearing as set in G.L. c. 40A, s. 9 and 11, the Planning Board, by a two-thirds (2/3) vote may approve the plan provided that:

1. The proposed development shall properly screen itself, its buildings, structures and other construction with vegetative landscaping, earth berms, fencing or other appropriate screening as determined by the Planning Board.
2. To protect the quality of the surrounding area and environment, if such surrounding area is residential in nature, is land reserved for conservation use or is land which the board determines to be appropriate for such a requirement, a buffer zone shall exist along the property line within which no construction or destruction of land shall take place. The size of such zone shall be determined by the Planning Board according to the size of the proposed development, the land uses of the surrounding area, the aesthetic aspects of the proposed development, and all impacts of the proposed development upon such surrounding areas which can be alleviated through such a buffer zone.
3. In specific instances where the Planning Board deems such to be appropriate, it shall assess the compatibility of the architecture of a proposed development with the architecture of surrounding structures and land uses and may request alterations to the architecture of such proposed development to ensure compatibility.
4. The Planning Board may, in appropriate cases as it determines, impose further restrictions upon the development or parts thereof as a condition to granting the approval and may waive any defined restrictions.

9.5.9 Rules and Regulations. The Board may adopt and periodically amend or add rules and regulations relating to the procedures and administration of this section and shall file a copy of said rules with the City Clerk.

9.5.10 Lapse. Site plan approval shall lapse after two years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Board upon the written request of the applicant.

9.5.11 Fee. The Board may adopt reasonable administrative fees and technical review fees for site plan review.

9.5.12 Appeal. Any decision of the Board pursuant to this Section shall be appealed in accordance with G.L. c. 40A, s. 17 to a court of competent jurisdiction.

SECTION 10.0 DEFINITIONS

In this Ordinance, the following terms and constructions shall apply unless a contrary meaning is required by the context or is specifically prescribed in the text of the Ordinance. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word "shall" is mandatory and "may" is permissive or discretionary. The word "and" includes "or" unless the contrary is evident from the text. The word "includes" or "including" shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The word "lot" includes "plot"; the word "used" or "occupied" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied". The words "building," "structure," "lot," or "parcel," shall be construed as being followed by the words "or any portion thereof." The word "person" includes a firm, association, organization, partnership, company, or corporation, as well as an individual. Terms and words not defined herein but defined in the Commonwealth of Massachusetts State Building Code shall have the meaning given therein unless a contrary intention is clearly evident in this Ordinance.

Accessory building: A subordinate building located on the same lot as the main, or principal building or principal use, the use of which is customarily incidental to that of the principal building or use of the land.

Accessory use: A use customarily incidental to that of the main or principal building or use of the land.

Adult day care facility: A social day care or adult day health facility as those terms are defined by the Commonwealth's Department of Elder Affairs.

Agricultural use, nonexempt: Agricultural use of property not exempted by G.L. c. 40A, s. 3 and limited to the following: customary agricultural, horticultural and floricultural operations, provided that (1) all the buildings combines shall not occupy a greater percentage of the lot area than listed in the Table of Dimensional Requirements; and (2) there shall be no storage of manure or odor or dust producing substances; and (3) no building in which farm animals are kept shall be permitted within one hundred feet of any property line; and (4) no greenhouse heating plant hall be operated within fifty feet of any property line; and (6) no products shall be publicly displayed or offered for sale from the roadside.

Alterations, structural: Any change or rearrangement in the supporting members of a building, such as bearing walls, columns, beams or girders.

Amusement arcade: Any lot licensed to maintain three (3) or more commercial amusement devices that are regulated by Section 177A of Chapter 140 of the General Laws.

Amusements, commercial: Any amusement device licensed under the provision of Massachusetts General Laws, Chapter 140, Section 177A.

Animal clinic or hospital: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the clinic or hospital use.

Antenna: The surface from which wireless radio signals are sent and received by a personal wireless communication facility.

Bed and breakfast establishment: Accommodations with not more than six (6) bedrooms occupied by bed and breakfast guests in which the owner of the establishment resides. Bed and breakfasts are intended for guest on intermittent visits, and shall not be used as long-term rental units or apartments. All parking for residents and guests shall be off-street.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building, attached: A building, having one (1) portion completely separated from another portion by a division wall without openings.

Building, detached: A building, usually an accessory building, having no direct attachment to the principal building on the lot.

Building line: The line of a building face, which face shall include cornices projecting more than twelve (12) inches, balconies, sun parlors, covered porches and entrances, whether enclosed or unenclosed, but shall not include steps.

Building, principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Building coverage: That percentage of the lot or plot area covered by the roof area of a building or buildings.

Building height: Building height shall be measured from the average elevation of the proposed finished grade at the front line of the building to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs. Fences and walls shall be measured from the Finished grade vertically to the highest point.

Business or professional office: A building or part thereof, for the transaction of business or the provision of services exclusive of the receipt, sale, storage, or processing of merchandise.

Capital improvements program: The capital improvements program shall be prepared by the Planning Board, assisted by the planning department, and approved by the mayor and the City Council. This capital improvements program shall be in seven-year incremental periods of effectiveness, not to exceed a total of twenty-one (21) years, for the development of the City in accord with the master plan and official zoning map in order to provide for maximum orderly,

adequate and economical provision of transportation, water, sewerage, drainage, parks and recreation, schools, municipal facilities and structures and other public requirements.

Carrier: Company that provides wireless services.

Child Care Facility: A day care center or school age child care program, as those terms are defined in G.L. c. 28A, s. 9.

City: The City of Salem.

Clinic, medical or dental: A building or buildings having facilities for diagnosis and minor treatment of humans, as differentiated from hospitals. The building may have doctors' offices, x-ray rooms, laboratories, operating room for minor surgery, kitchen and diet kitchen facilities. The building will primarily be used for "out patients" or ambulatory patients and not for convalescent patients. However, not more than ten (10) beds may be provided for patients under diagnoses, for occupancy not to exceed four (4) days.

Club or lodge, private: Buildings, structures and premises used by a nonprofit social or civic organization, or by an organization catering exclusively to members and their guests for social, civic, recreational, or athletic purposes which are not conducted primarily for gain and provided there are no vending stands, merchandising, or commercial activities except as may be required generally for the membership and purposes of such organization.

Co-location: The use of a monopole by more than one (1) carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one (1) carrier (horizontal co-location).

Commercial recreation, indoor: A structure for recreational, social or amusement purposes, which may include as an accessory use the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. Places of assembly shall include theatres, concert halls, dance halls, skating rinks, bowling alleys, health clubs, dance studios, amusement arcade, or other commercial recreational centers conducted for or not for profit.

Commercial recreation, outdoor: Drive-in theatre, driving range, miniature golf course, bathing beach, sports club, horseback riding stable, boathouse, game preserve, marina or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated in this Ordinance.

Contractor's yard: Premises used by a building contractor or subcontractor for storage of equipment and supplies, fabrication of subassemblies, and parking of wheeled equipment.

Drive-in restaurants or snack bars: Any eating establishment where commodities are consumed on the premises but outside the principal building.

Drive-through facility: A commercial facility which provides a service directly to a motor vehicle or where the customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle. This shall not include, for example, the selling of fuel at a motor fuel facility, quick-change oil automotive service stations, or the accessory functions of a car wash facility such as vacuum cleaning stations.

Drive-through facility - fast food: A drive-through facility that serves food or drink.

Drive - through facility - other: Drive-through facility that does not include food or drink; includes, banks, pharmacies and similar uses.

Dwelling, multifamily: A building designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.

Dwelling, single-family: A detached building designed for or occupied by one (1) family only.

Dwelling, two-family: A building designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each. A so-called duplex dwelling, even though having two (2) separate entrances and street numbers, shall be construed as being a single building.

Dwelling unit: A building or portion thereof providing complete housekeeping and cooking facilities for one (1) family.

Educational use, nonexempt: Educational facilities not exempted from regulation by G.L. c. 40A, s. 3.

Essential services: Services provided by a public service corporation or by governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems whether underground or overhead, but not including wireless communications facilities. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith.

FAA: The Federal Aviation Administration.

Fall zone: The area on the ground within the prescribed radius from the base of a personal wireless service facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

Family: One (1) or more persons occupying a dwelling unit and living together as a single nonprofit housekeeping unit; provided that a group of three (3) or more persons who are not within some degree of kinship shall not be deemed to constitute a family.

Family day care home: Any private residence operating a facility as defined in G.L. c. 28A, s. 9.

Farm stand, nonexempt: Facility for the sale of produce, wine and dairy products on property not exempted by G.L. c. 40A, s. 3.

FCC: The Federal Communications Commission.

Floor area, gross: The total square feet of floor space within the outside dimensions of a building including each floor level, without deduction for hallways, stairs, closets, thickness of walls, columns, or other features.

Floor area ratio (FAR): A mathematical expression determined by dividing total **gross** floor area of a building by the area of the lot on which it is located. For example, a one acre lot with a FAR of .75 could contain 32,670 square feet of gross floor area ($43,560 \times .75 = 32,670$).

Funeral home: Facility for the conducting of funerals and related activities such as embalming.

General service establishment: An establishment providing general services such as upholstery, appliance repair, furniture refinishing, and the like.

Grocery store: An indoor retail operation selling groceries, produce, meat and fish, and baked goods, with only incidental or minor sales of other convenience and household goods, not exceeding 15,000 square feet of gross floor area.

Guyed tower: A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

Ground structure: A wireless communications structure anchored to the ground.

Historic carriage house: An accessory or outbuilding, originally built to house carriages, horses, or for use as a barn, that has been in existence since 1900 at its present location.

Hospital: A building in which physical and mental ailments of human beings are treated, including convalescent care, as differentiated from clinics.

Hotel, motel or inn: A building containing rooms rented or hired out, or designed to be rented or hired out, for sleeping purposes by guests. A general kitchen, dining room, drugstore or newsstand, intended primarily for serving the building's occupants and only incidentally the public, may be provided within the building or in an accessory building.

Impervious: Any area impenetrable by surface water.

Junk: Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Any article or material which, unaltered or unchanged and without further reconditioning cannot be used for its original purpose as readily as when new shall be considered junk.

Junkyard or automobile graveyard: The use of any area or any lot, whether inside or outside of a building, for the storage, keeping, or abandonment of junk, scrap or discarded materials, or the dismantling, demolition, or abandonment of automobiles, other vehicles, machinery, or parts thereof.

Kennel, commercial: A commercial establishment in which more than three (3) dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold located on at least five (5) acres of land.

Lattice tower: A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

Licensed carrier: A company authorized by the FCC to construct and operate a commercial mobile radio service system.

Light manufacturing: Fabrication, assembly, processing, finishing work or packaging.

Lot: A parcel or adjacent parcels of land used or set aside and available for use as the site of one or more buildings and buildings accessory thereto or for any other definite purpose, in one (1) ownership and not divided by a street, not including any land within the limits of a public or private way upon which such lot abuts, even if the fee to such way is in the owner of the lot. Such lot shall have frontage on an improved public street.

Lot, corner: A lot which has an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) streets. A lot abutting a curved street or streets shall be considered a corner lot if straight lines tangent to the foremost points of the side lot lines intersect at an interior angle of less than one hundred thirty-five (135) degrees.

Lot of record: A lot which is part of a subdivision recorded in the registry of deeds or the land court or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot, through: A lot other than a corner lot with frontage on more than one (1) street.

Lot, frontage of: A lot line coinciding with the sideline of a street which provides both legal rights of vehicular access and physical vehicular access to the lot, said line to be measured continuously along a single street or along two (2) intersecting streets if their angle of intersection is greater than one hundred and twenty (120) degrees. Vehicular access to a building site on the lot shall be exclusively through the frontage of the lot.

Lot line: A line dividing one lot from another, or from a street or any public place.

Lot width: The minimum lot width required shall be measured at the rear of the required front yard depth and on a line parallel to the right-of-way line where a plan of the right-of-way is on file with the registry of deeds or, in the absence of such a plan, from a line twenty-five (25) feet from and parallel with the centerline of the traveled way.

Manufacturing: A use engaged in the basic processing and manufacturing of materials, or the manufacture from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding the following: Acid manufacture; Cement, lime, gypsum or plaster of paris manufacture; Production of chlorine or similar noxious gases; Distillation of bones; Drop-forge industries manufacturing forging with power hammers; Manufacture or storage of explosives in bulk quantities; Fertilizer manufacture; Garbage, offal, or dead animal reduction or dumping; Glue manufacture; Hair manufacture; Petroleum refining; Processing of sauerkraut, vinegar or yeast; Rendering or refining of fats or oils; Smelting of tin, copper, zinc or iron ore, including blast furnace or blooming mill; Stockyard or feeding pen; Slaughter of animals, not including the killing of fowl.

Marina: A waterfront area having a dock or mooring facilities for boats for rental purposes; fuel and oil for boats only may be sold on the premises. Shore facilities similar to motels may occupy contiguous land areas.

Medical center or clinic: A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

Mini-storage storage facility: A facility for the self-storage of personal or business related items or goods.

Mobile home: A dwelling built upon a chassis, containing complete electrical, plumbing and sanitary facilities, and designed without necessity of a permanent foundation for year-round living, irrespective of whether actually attached to a foundation or otherwise permanently located.

Monopole: A type of mount that's self-supporting with a single shaft of steel or concrete and a platform (or racks) for panel antennas arrayed at the top.

Motor vehicle body repair: An establishment, garage or work area enclosed within a building where repairs are made or caused to be made to motor vehicle bodies, including fenders, bumpers and similar components of motor vehicle bodies, but does not include the storage vehicles for the cannibalization of parts.

Motor vehicle general repairs: Premises for the servicing and repair of autos, but not to include fuel sales.

Motor vehicle light service: Premises for the supplying of fuel, oil, lubrication, washing, or minor repair services, but not to include body work, painting, or major repairs.

Mount: The structure or surface upon which antennas are mounted, including the following four (4) types of mounts: roof-mounted, side mounted (side of a building), ground-mounted, structure mounted (structure other than a building).

Municipal facilities: Facilities and buildings owned or operated by the City of Salem.

Nonresidential structure: Such structures as buildings, garages, steeples, and water towers, but does not include houses or apartments.

Nursing or convalescent home: As defined by Section 71 of Chapter 111 of the General Laws: A convalescent or nursing home is defined as any institution, however named, whether conducted for charity or profit, which is advertised, announced or maintained for the express or implied purpose of caring for three (3) or more persons admitted thereto for purposes of nursing or convalescent care

Open air motion picture theater: An open air (covered or uncovered with no sidewalls) parking area for vehicles where motion pictures are projected onto a large uncovered screen. The projection and sound equipment shall be housed in an enclosed structure.

Parking garage: A structure which is accessory to a commercial or industrial establishment and is primarily for the parking and storage of vehicles operated by the customers, visitors and employees of such an establishment.

Personal service establishment: A facility providing personal services such as hair salon, barber shop, tanning beds, dry cleaning, print shop, photography studio, and the like.

Planning Board: The Planning Board of the City of Salem as established by Chapter 41, Section 70 of the General Laws.

Planning Department: The planning department of the City of Salem.

Preliminary application: An application which may be submitted by a developer prior to formal application for a development permit in order that a given parcel can be reviewed in relation to the standards of issuance for residential development contained herein.

Radio frequency radiation (RFR): The emissions from personal wireless service facilities.

Repairs: Work of a reconstruction or renewal nature on any existing part of a building or structure but excluding a structural alteration.

Restaurant: A building, or portion thereof, containing tables and/or booths for at least two-thirds (2/3) of its legal capacity, which is designed, intended and used for the indoor sales and

consumption of food prepared on the premises, except that food may be consumed outdoors in landscaped terraces, designed for dining purposes, which are adjuncts to the main indoor restaurant facility. The term "restaurant" shall not include "fast food establishments."

Restaurant, fast-food: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready to consume state for consumption either within the restaurant building or off premises and usually requires ordering food at a counter.

Retail: A facility selling goods but not specifically listed in the Table of Use Regulations.

Right-of-way line: A line separating a public street or way from a lot.

Roof structure: A wireless communication structure mounted on a roof of a building or the top of a water tower.

Rooming, boarding or lodging house: A dwelling or part thereof in which lodging is provided by the owner or operator to at least three, but not more than six, roomers or boarders.

Security barrier: A locked, impenetrable wall, fence or berm that completely conceals an area from unauthorized entry or trespass.

Separation: The distance between one (1) carrier's array of antennas and another carrier's array.

Sign: Any device designed to inform or attract the attention of persons not on the premises on which such device is located, whether such device is a separate structure or object or attached to or painted on another structure or object.

Sign area: The area of the smallest horizontally or vertically oriented rectangle which could enclose all the display area of the sign, together with any backing different in color or material from the finish material of the building face, without deduction for open space or other irregularities. Structural members not bearing advertising matters shall not be included unless internally or decoratively lighted. Only one side of flat, back-to-back signs need be included in calculating sign area.

Special permit use: A use which would not be appropriate generally or without restriction throughout the district but which, if controlled in a neighborhood, would promote the public health, safety, convenience, morals and welfare of the City's inhabitants.

Stacking lane: An area of stacking spaces and driving lanes provided for vehicles waiting for drive-through service.

Stacking space: An area within a stacking lane for vehicles waiting to order and/or finish a drive-through transaction.

Story: As defined in the State Building Code.

Story, half: A story under a gable, ~~hip~~ or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than (2) two feet above the floor of such story.

Street: A public or private way which affords the principal means of access to abutting properties.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Supermarket: An indoor retail operation selling primarily groceries, produce, meat and fish, baked goods, and other convenience and household goods exceeding 15,000 square feet of gross floor area.

Swimming pool: An artificial pool, uncovered or enclosed, used for recreational swimming and not less than twenty-four (24) inches deep nor having a surface area of less than two hundred fifty (250) square feet.

Temporary structure: A structure without any foundation or footings to be removed within a twelve-month time period. Said structure shall conform to the requirements of the Table of Dimensional Requirements and shall receive a permit from the Building Commissioner.

Trailer: A vehicle used or designed to be used for living purposes. The terms "travel trailer," "pickup coach," "pickup camper," "motorized camper," "tent trailer," "mobile home," etc., or terms of similar import shall be interpreted as having the same meaning as the term "trailer."

Transportation terminal: Terminal facilities for handling freight with or without maintenance facilities.

Use: The specific purpose for which land, or a building and land, is designed, arranged intended, or for which it is or may be occupied or maintained.

Variance: A relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.

Veterinary hospital (animal clinic): A building whose sole use will be the medical or surgical treatment of animals, reptiles or birds. Patients may be boarded on the premises not longer than twenty (20) days. The building shall not be used for breeding purposes or as a kennel.

Warehouse, wholesale, or distribution facility: A building used primarily for the storage of goods and materials intended for distribution, but not for sale on the premises to the general public.

Waterfront boat yard: An open area where boats may be stored and/or repaired. Appurtenant structures for housing repair shops and general storage may be allowed. Painting materials may be stored and sold in the yard. No fuel or oil shall be stored or sold. The yard must have direct frontage on navigable waterways.

Waterfront yacht club (clubhouse): A structure housing facilities for a nonprofit club whose members are primarily interested in recreational yachting activities. The clubhouse shall occupy land directly fronting on the waterfront. The structure may have general recreational facilities, toilet rooms, kitchen, dining room and general storage rooms. There shall be no bedrooms or sleeping accommodations in the building. Fuel and oil may be sold from dockside facilities, for use on boats only.

Way: A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

Wireless communication building (WCB): Any building or shelter used to house equipment used primarily for the installation and operation of equipment for generating and detecting electromagnetic radiation and is an accessory to a wireless communication structure.

Wireless communication device (WCD): Antenna, appurtenance, wiring, or equipment used in connection with the reception or transmission of electromagnetic radiation which is attached to a structure.

Wireless communication facility (WCF): Shall be used as a general term to include wireless communication building, wireless communication device, and wireless communication structure.

Wireless communication structure (WCS): Shall mean a monopole intended to support equipment used for the transmission and reception of electromagnetic radiation, including antennas, wiring or other devices attached thereto.

Yard: An open space unoccupied and unobstructed by any structure or portion of a structure from the ground upward, provided, however, that fences and walls may be permitted in any yard subject to height limitations as indicated herein.

Yard, front: An open unoccupied space on the same lot with the principal building between the front line of the building and the right-of-way line and extending the full width of the lot.

Yard, rear: An open unoccupied space on the same lot with the principal building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

Yard, side: An open unoccupied space on the same lot with the principal building and extending from the front yard to the rear yard.