

DOCUMENT 103-B AMENDMENT 2

WATERFRONT ZONING DISTRICT

At the end of Section 255-7, add the following

Article XVI—WATERFRONT DISTRICT

255-154: PURPOSE

The Waterfront District (WD) is a comprehensive zoning district for the City's waterfront area. The city of Haverhill's waterfront was once an active place for boating and water dependent uses. This zoning district will recapture that active place and encourage connections, both visually and physically, from the downtown to the waterfront. A major objective of the district will be to expand upon the existing rail trail and create a waterfront walkway connecting the downtown and the Bradford side of the Merrimack River.

The Waterfront District will encompass sections of the downtown along the north side of the Merrimack River and the area located on the south (Bradford) side of the Merrimack River. There is currently no connection, either visually or physically, between the Bradford side of the Merrimack River and the rest of the downtown. This District will create standards and provide developers with incentives to create a connection for both sides of the River.

The Waterfront District will have standards for the entire district and will also create sub-zones that will contain standards specific to each zone. Each sub-zone will encourage uses that are appropriate for the zone. Under the umbrella of the Waterfront District, each of the sub-zones will contain goals and standards that will create a comprehensive vision for the waterfront. Together, each of the sub-zones will include goals for either developing affordable housing, market rate housing, mixed use development, artist live/work space, retail/office, higher educational uses, water dependant uses, and high and low density residential.

The major objectives of the district are to:

- Promote public access to and along the Merrimack River
- Promote new view corridors and protect existing view corridors to the Merrimack River
- Promote physical and visual connections between both the north and south sides of the Merrimack River and the downtown.
- Link the Merrimack River with street edges to maintain adequate pedestrian circulation and views of both the street and the river
- Provide the maximum public benefit in any new development or redevelopment of land along the Merrimack River
- Regain an active waterfront
- Create development nodes in order to plan for a comprehensive waterfront

- Create diversity of housing opportunities along the waterfront and within the downtown
- Create an artist community and promote artist live work space in the downtown and along the waterfront
- Create a retail and restaurant base that downtown residents can utilize
- Facilitate development of a mix of uses that contributes to a vibrant business environment and increases street level activity
- Ensure that existing and future development contributes to a continuous and active street that addresses the contextual, human scale, mixed use, and pedestrian friendly needs of the downtown
- Create new jobs at a variety of income levels
- Encourage the reuse of existing buildings and the construction of new, innovative designs that enhance the area
- Redevelop vacant or underutilized land with appropriately dense development
- Promote pedestrian activity in the downtown
- Encourage neighborhood and cultural tourism uses as well as infill housing and rehabilitation of existing structures

255-155: BOUNDARIES

The Waterfront District, hereinafter referred to as the WD, consists of land as shown on the map entitled “Waterfront Zoning District” and dated _____. This map is hereby made a part of the Zoning Ordinance and is on file in the Office of the City Clerk.

255-156: DEFINITIONS

The following definitions shall apply in the Waterfront District:

Art Gallery and/or Workspace

An establishment for the display of objects of art and/or photography. The artist can produce the objects of art and/or photography on site in order to display.

Professional or Artist/Live Work Unit

A residential use that permits up to 50% of the gross floor area of a residential dwelling unit to be used for the production of, showing, and sale of arts and crafts made on the premises by the occupant of said unit. Additionally, this term shall also mean a building or buildings where a portion of the total space is used for residential purposes and other portions, not to exceed 50% of the gross floor area of a building or buildings for the production, showing, and sale of arts and crafts produced by the residents thereof.

By-Right Plan Approval

The standards and criteria by which any project permitted in the Waterfront District shall meet under the procedures as set forth in this section. Such approval shall be treated as non-discretionary and not subject to the standards applicable to special permits under this Zoning Ordinance. See “Table of Uses for the Waterfront District” for a listing of uses permitted in the Waterfront District.

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.

Mixed Use Development

The use of a building for more than one use. The building contains a commercial use or uses on the first floor or ground floor and residential use on the upper floors.

Plan Approval Authority

For purposes of reviewing project applications for uses permitted by special permit or permitted by major site plan in the Waterfront District, the City Council shall be the Plan Approval Authority (the “PAA”) and is authorized to approve a special permit or major site plan to implement the project.

For purposes of reviewing project applications for uses permitted by minor site plan in the Waterfront District, the Planning Board shall be the Plan Approval Authority (the “PAA”) and is authorized to approve a minor site plan to implement the project

Preferred Project

A project which meets the specifications as set forth in the “Preferred Projects” section of the Waterfront District. The development of such a project will provide the applicant with an opportunity for expedited review.

Site Plan Review (Major)

Any use over 7,500 square feet, or any new residential construction over six (6) units or the expansion of an existing residential dwelling in excess of 6 units

Site Plan Review (Minor)

Any use under 7,500 square feet, any new residential construction of six (6) units or less or the expansion of an existing residential dwelling of less than 6 units, excluding a single family or a two family unit.

Special Permit Plan Approval

The standards and criteria by which any project allowed by Special Permit in the Waterfront District shall meet under the procedures as set forth in this section and in this Zoning Ordinance. See “Table of Uses for the Waterfront District” for uses allowed with a special permit from the City Council.

255-157: ESTABLISHMENT OF SUB-ZONES

Sub-zones are established for this District in order to preserve, maintain, and promote a diversity of housing stock and commercial establishments in the City’s downtown and waterfront area. There will be eight sub-zones included in this District. The sub-zones are as follows:

Sub-zone A: Washington Street Area

The goal of this sub-zone is to meet the objectives as set forth in the existing Downtown Smart Growth Overlay District, particularly the creation of affordable housing. Subzone A

will follow the standards and requirements of the Downtown Smart Growth Overlay District

Sub-zone B: South Side of Merrimack Street Adjacent to the Merrimack River

The goal of this sub-zone is to meet the objectives as set forth in the existing Merrimack Street Gateway Renaissance Overlay District, particularly to foster a range of housing opportunities along with mixed use development components including, among others, distinctive retail, education and education-based uses, performing arts, media and graphics arts, offices, and restaurants.

Sub-zone B will follow the standards as set forth in the Merrimack Street Gateway Renaissance Overlay District. All projects proposed will adhere to the requirements of the Merrimack Street Gateway Renaissance Overlay District.

Sub-zone C: North Side of Merrimack Street

The goal of this sub-zone is to create a lively area where artists can both live and work and to create a vibrant and active portion of the downtown

Sub-zone D: Water Street

The goals of this sub-zone are to create a vibrant and active entrance into the downtown; to create view corridors from the street to the Merrimack River; and to create an active waterfront

Sub-zone E: 100 South Kimball Street (Paperboard site)

The goals of this sub-zone are to allow flexibility in development of large tracts of land and to provide for a residential development combined with a mix of uses that relate to and enhance the waterfront area. Furthermore, development in this sub-zone should provide access and useable open space along the Merrimack River.

Sub-zone F: Industrial Section of the South Side of the Merrimack River (Bradford)

The goals of this sub-zone are to create an active waterfront along the Merrimack River; to continue the Rail Trail along the Merrimack River; to create connections, both visually and physically, to the downtown; and to create a lively area where artists can both live and work

Sub-zone G: Residential Section of the South Side of the Merrimack River (Bradford)

The goals of this sub-zone are to provide open space and access to the Merrimack River; to improve the existing Rail Trail along the Merrimack River; and to provide a low density housing option in close proximity to the downtown

Sub-zone H: North Side of Railroad Avenue (Including the Orenstein Site)

The goals of this sub-zone are to create a residential node which complements the downtown and the adjacent commuter rail station. Furthermore, development in this sub-zone should ensure the continuation of visual corridors to the Merrimack River and extend upon the existing Rail Trail.

255-158: DESIGN GUIDELINES FOR THE WATERFRONT DISTRICT

These guidelines shall apply to development in the entire district. Furthermore, these guidelines are not intended to inhibit design creativity or discourage innovative architectural design solutions. Rather, they provide general standards for building massing, siting, and articulation. It is understood that buildings and structures may not be able to comply with all of the following Guidelines, but buildings and structures should comply if it is physically possible. For projects located in the WD, the following Design Guidelines shall apply:

1. Retail, restaurant and other lively pedestrian friendly uses are encouraged, particularly on the ground floor, except in Sub-zones E, F, G and H where projects providing 100% residential development are encouraged.
2. Residential and office space shall be placed on upper floors, not on the first floor or street level, except in Sub-zones E, F, G and H where projects providing 100% residential development are encouraged.
3. Installation of public art is encouraged in order to add visual interest and distinguishing features to landscaped or other public areas
4. Buildings on a corner lot should be set to the corner of the front and side lot lines, with no setback
5. Blank walls without windows or entrances facing onto pedestrian areas and/or alleyways shall be avoided to the extent possible.
6. Site lighting should be considered an integral element of the landscape design of a property. It should help define activity areas and provide interest at night. At the same time, lighting should facilitate safe and convenient circulation for pedestrians, bicyclists and motorists. Overspill of light and light pollution should be avoided.
7. Outdoor seating/dining throughout the District is encouraged, particularly along the Merrimack River and within the downtown area.
8. Development should be designed to complement and harmonize with adjacent land uses (existing and proposed) with respect to architecture and scale
9. The standard architectural designs of regional or national businesses shall be modified in such a way so as to be compatible with the scale and massing of the adjacent land uses (existing and proposed).
10. All development should be designed to facilitate, accommodate, and encourage use by pedestrians, as much as, if not more so than, use by motorized vehicles
11. Parking facilities should be appropriately screened from both pedestrian walkways and the Merrimack River as to not deter activity in these areas.

12. Drive through facilities should not have driveways entering or exiting over the main frontage sidewalk
13. Rooftop solar panels are encouraged throughout the District, except in Sub-zones A, B, and C

255-159: USE RESTRICTIONS

The uses permitted and those uses permitted by special permit in the WD shall be as set forth in the table, titled “Table of Uses for the Waterfront District”.

255-160: PROHIBITED USES

The following uses are specifically prohibited from this Article XVI:

1. Septic System Repair Facility
2. Solid Waste Disposal Facility
3. Salvage Yard
4. Self Storage Facility
5. Warehousing and Distribution Facility
6. Motor Vehicle Service Station (Gasoline Sales)
7. Motor Vehicle General and Body Repair
8. Motor Vehicle Sales
9. Motor Vehicle Car Wash
10. Seasonal dry storage of recreational vehicles on land for periodic use in the water during active boating season
11. Solar Farm

255-161: EXEMPTIONS

The following uses are specifically exempt from this Article XVI:

1. Uses exempted by G.L. c.40A, s. 3; and
2. Dwelling units for low and/or moderate income families or individuals as set forth in G.L. c. 40B;

255-162: SPECIAL PERMIT/SITE PLAN REVIEW CRITERIA

In addition to any standards and criteria set forth elsewhere in this Ordinance, the following standards shall apply for all projects, in every sub-zone constructed in the Waterfront District, with the exception of the construction of a single or two family structure. These standards are required to be met in order to receive approval:

1. Physical access to or along the Merrimack River shall be provided pursuant to G.L. Ch. 40A S9. The ordinance shall be interpreted so as to encourage physical access by the public to the Merrimack River and to discourage developments which prevent or block physical access to the river. Any property that has a property boundary that abuts the Merrimack River shall provide the City with an easement or other legal

mechanism at either the water's edge or in close proximity to the Merrimack River depending on the topography of the area. The easement shall include a 25 foot minimum temporary construction easement and a 15 foot minimum access easement within the boundaries of the temporary construction easement. Both easements shall be provided for the entire length of the property line or lines adjacent to the Merrimack River. Neither the temporary construction easement nor the access easement is required to be improved/constructed.

2. Visual corridors shall be provided to or along the Merrimack River. The visual corridors are not required to be open to the public and may contain trees or parking lots;
3. Primary building entrances shall be oriented toward the street, but buildings shall also have entrances facing the Merrimack River, which are subordinate in character and scale to the street entrance. For this purpose, subordinate shall mean that the entrance is smaller in height and width, and has fewer or simpler architectural elements.
4. All new buildings shall be constructed at the street edge with no front setback in order to complete the streetwall, except in Sub-zones E and G where a front setback is required.
5. Dumpsters, utility meters, mechanical units and service/loading areas shall be screened from view of both pedestrian areas and the Merrimack River. Furthermore, they shall not be located in the pedestrian right-of-way.
6. Professional or Artist live/work units shall be designed to meet the specific needs of the artist occupants, such as, but not limited to the following: doorways and hallways should be oversize width to accommodate the moving of large objects; floors should be constructed to provide extra weight-bearing capacity; floors do not need to be finished; ceiling heights should allow for the creation of large works and equipment, including machinery and lighting.
7. Adequate municipal services shall be provided, including water, sewer, drainage, parks, and open space;
8. Public facilities and services shall be provided that are adequate to support the proposed development, such as schools, fire, emergency services, and police
9. Adequate access points (ingress and egress) and routes to and from the property shall be provided to adjoining streets and ways so as to not cause a negative traffic impact.
10. Mitigation shall be provided to create an adequate traffic circulation system in order to insure proper traffic control and to minimize hazards to public health and safety as a result of traffic

255-163: PREFERRED PROJECTS BY SUB-ZONE

If a project proposed within the Waterfront District meets all of the requirements of one of the preferred projects listed, the project shall receive an expedited review in accordance with the Procedure Section of the WD:

1. Projects located in Sub-zones A, D, F, and H that provide improved public access to the Merrimack River from the parcel. Improved public access shall include the construction of pathways/walkways along the entire length of the property line adjacent to the Merrimack River, construction of pathways/walkways from the street to the Merrimack River, useable open space or parks and/or a fee in lieu of the future construction of pathways/walkways. The location and design of any pathways/walkways, open space, or parks shall be approved by the Economic Development Director and in keeping with the City's Rail Trail design. If the access is improved, the minimum 25 foot temporary construction easement as required in Section 255-162(1) shall not be provided.
2. Projects located in Sub-zones C and F that provide a minimum of 80% of the units as artist/live work space.
3. Projects located in Sub-zones C that provide the development of 2 or more dwelling units as part of a mixed use structure. The residential dwelling units must be located in the upper floors of a structure which is otherwise used for office, retail and/or restaurant uses on the ground floor.
4. Projects located in Sub-zones C, D, F, and G that provide a minimum of 80% of the total residential units as market rate housing and not restricted by income.

255-164: DENSITY REGULATIONS

The density regulations within the Waterfront District shall be as follows:

- Sub-zone A: The density in sub-zone A shall follow the standards as set forth in the Downtown Smart Growth Overlay District.
- Sub-zone B: The density sub-zone B shall follow the standards as set forth in the Merrimack Street Gateway Renaissance Overlay District
- Sub-zone C: The density in sub-zone C shall be 120 residential units per acre
- Sub-zone D: The density in sub-zone D shall be 30 residential units per acre
- Sub-zone E: The density in sub-zone E shall be 20 residential units per acre
- Sub-zone F: The density in sub-zone F shall be 20 residential units per acre

Sub-zone G: The density in sub-zone G shall be 20 residential units per acre

Sub-zone H: The density in sub-zone H shall be 20 residential units per acre

255-165: DENSITY BONUSES

The Approval Authority may award a density bonus to increase the number of dwelling units beyond the maximum number permitted in the WD. A density bonus may be awarded in the following circumstances:

1. In Sub-zone D, a maximum of 70 units per acre shall be permitted when a project provides improved public access to the Merrimack River and a public park. The size and design of the park must be approved by the Economic Development Director.
2. In Sub-zone E, a maximum of 40 units per acre shall be permitted when a project provides the following:
 - A public walkway along the entire property line that is adjacent to the Merrimack River
 - A public park on site. The size and design of the park must be approved by the Economic Development Director
 - A water dependant use on site. The water dependant use can be a marina, boat/kayak rental, or a restaurant with outdoor seating adjacent to the Merrimack River. The use must be approved by the Economic Development Director
3. In Sub-zone F, a maximum of 40 units per acre shall be permitted when a project proposes to substantially rehabilitate an existing building into residential housing or artist live/work space.
4. In Sub-zone H, a maximum of 40 units per acre shall be permitted when a project provides a public park on site. The area, location, and amenities included in the park must be approved by the Economic Development Director.

255-166: DIMENSIONAL REGULATIONS

The dimensional regulations for the District are as follows:

1. The dimensional regulations for Sub-zone B shall follow Section 255-142 of the Merrimack Street Gateway Renaissance Overlay District.
2. There are no dimensional regulations for Sub-zones A, C, D, F, and H except that the maximum height of any structures in sub-zones A, C, D, and H is 74 feet and the maximum height of any structures in sub-zone F is 55 feet.

- The dimensional requirements for Sub-zone E are as follows:

Minimum lot area	N/A
Minimum lot frontage	100 feet
Maximum building coverage	N/A
Minimum open space	20%
Minimum width of side yard	20 feet
Minimum width of front yard	25 feet
Minimum width of rear yard	N/A
Maximum height of buildings	74 feet
Maximum stories	6 stories
Floor to Area Ratio (FAR)	3

- The dimensional requirements for Sub-zone G are as follows:

Minimum lot area	N/A
Minimum lot frontage	100 feet
Maximum building coverage	N/A
Minimum open space	20%
Minimum width of side yard	20 feet
Minimum width of front yard	25 feet
Minimum width of rear yard	40 feet
Maximum height of buildings	40 feet
Maximum stories	3 stories
Floor to Area Ratio (FAR)	2

255-167: PLANNED DEVELOPMENT DISTRICT

Purpose and Intent

The Planned Development (PD) District is intended to:

- Permit an entity to propose, and for the City Council vote, a development proposal that specifies a mixture of commercial, residential, open space or other uses and the site development requirements to be used for a specific site.
- Permit some flexibility in the development of individual tracts of land by required and predetermined standards.
- Permit the use of development standards tailored to a specific site and more detailed than those for the standard zoning districts
- Permit the city to evaluate the potential impacts of a proposed development and to authorize the City Council, as the Special Permit Granting Authority (SPGA), to require that the development of the site substantially conforms to site development

standards approved as part of the rezoning to PD District and intended to mitigate or compensate for the potential impacts.

Applicability

A project located in Sub-zones E, F, and H may apply for a Planned Residential Development District. A Planned Residential Development District (PRD) consists of primarily residential uses alone or in combination with non-residential uses.

Procedures

A Planned Development District requires an amendment to the Zoning Ordinance. The PD District does not have any minimum lot size and there is no minimum lot area required to seek a rezoning to the PD District. Applicants for a PD District shall observe the following procedures in order to promote review of the proposed amendment and to facilitate public-private cooperation in the establishment of the PD District.

1. *Pre-Application Review:* Applicants are strongly encouraged to schedule a pre-application review with the Department of Economic Development and Planning. Pre-application review should precede the preparation of detailed plans or specifications. For the Pre-Application Review, an applicant will submit a project description that describes the uses to be proposed and the benefits to the City from those uses.
2. *City Council Submission:* The applicant shall submit a proposed amendment to this Ordinance for the PD District rezoning to the city council. The Planning Board shall provide a recommendation to the city council on the proposed rezoning. The proposed amendment shall contain the requirements set forth in the section titled “Submission Requirements for a PD Rezoning Ordinance”. The finalized proposed amendment shall be presented to the City Council for approval of the proposed PD district with the text of the zoning amendment. The Department of Economic Development and Planning shall prepare the zoning amendment text and locate the new district on the Zoning Map.
3. *Statutory Requirements.* The zoning amendment shall thereafter be processed in accordance with G.L. c. 40A, s. 5.

Lapse

The development and uses approved in a rezoning to PD District must be commenced by obtaining a PD Special Permit as required in the section titled “PD Special Permit Requirements” within two (2) years. Until such time as the required PD Special Permit is granted and recorded by the property owner, or if a PD Special Permit is not obtained within two (2) years, the development of the property shall be governed by the provisions presently in effect in the zoning district for which the land was zoned immediately prior to its inclusion in the PD District.

Submission Requirements for a PD Rezoning Ordinance

The application for a PD District rezoning shall include a preliminary plan and the required submission fee.

Submission Fee: The SPGA shall specify submission fees for a PD District rezoning in its Rules and Regulations. In no case shall the fee be less than \$850. The required fee shall be submitted with the rezoning request and Preliminary Plan.

Preliminary Plan Requirements: A preliminary plan shall include the following at a level of detail sufficient to enable a peer review, if required by the SPGA:

1. A narrative that describes:
 - Social, economic, or community needs which are served by the proposed development proposal
 - Traffic flow and safety, including parking and loading
 - Adequacy of utilities and other public services
 - Neighborhood character and social structures
 - Impacts on natural environment
 - Potential fiscal impact, including impact on town services, tax base, and employment
2. A preliminary site construction plan showing the proposed:
 - Location of buildings, number of stories, approximate floor area and maximum height of each building, the distance (in feet) between buildings
 - Contours in addition to the existing contours
 - Lot Lines
 - Grading and landscaping
 - Location and dimensions of drives and parking areas
 - Location and characteristics of any common open space or usable open space
 - Drainage system
 - Building elevations
3. Uses to be allowed by special permit. A Zoning Table of uses shall be listed with a description of the type and character of uses requested. This may include a cross reference of uses to be permitted as they appear in the “Table of Uses for the Waterfront District”
4. A table showing:
 - Total land area
 - Developable site area
 - Common or usable open space, if any
 - Site coverage of buildings
 - Impervious surface area

- Impervious surface ratio
 - Gross floor area of all non-residential buildings
 - Floor area ratio, if applicable
 - Density of dwelling units or their equivalent, if applicable
 - Number of off-street parking spaces and, if applicable, loading bays
5. A locus context map of all land within 500 feet of any part of the tract and showing:
- All dwellings and principal buildings
 - The land use of each lot
 - Lot and right-of-way lines
 - Existing contours at two foot intervals
 - Principal natural features in general such as significant rock outcroppings; water systems, including standing surface water, brooks or streams, the direction of drainage, wetlands, and the 100 year flood elevation; significant vegetation including mature trees, unique specimens of vegetation, and vegetation that indicates wetness
 - Zoning district boundaries
 - Recorded easements on the site and within the 500 foot locus
 - Public facilities, such as conservation or recreation land, footpaths, bicycle paths, or streets
 - Significant noise/visual impact, including views from the site and sources of noise affecting the site
 - Historically or architecturally significant structures and sites on or adjacent to the site
6. A property rights and dimensional standards plan showing:
- The location of existing easements or other property rights affecting the development
 - The approximate locations of any sections of the land to which the City may be granted property rights, other easements or transfer of ownership for street, utility, conservations or other purposes
 - The anticipated division of the property into parcels in private ownership, if any, if it affects zoning provisions
 - The yard setback, in feet, for buildings and parking lots from lot lines and, where applicable, a zoning district boundary, a brook or a pond. The plan shall specifically show appropriate setbacks to adjacent Residential Districts, Business Districts, Industrial Districts, PD Districts and Open Space Districts, considering the development potential of any vacant land in such districts using the setback requirements of the City of Haverhill Zoning Ordinance.
 - The boundaries of any common open space or usable open space
7. A utilities analysis showing:

- The location and size of the City’s existing water mains, fire hydrants, sanitary sewers and storm drains
 - The proposed locations and the approximate size of utilities to be constructed on the site and their proposed connections to the City’s utilities and any special features such as culverts or pumping stations that might affect the ability of the City to service the development
8. A traffic analysis to be conducted by a traffic engineer who will certify that he/she qualifies for the position of a member of the Institute of Transportation Engineers (ITE). The analysis shall include:
- Traffic counts on arterial streets that provide access to the development site showing data on Average Daily traffic (ADT) and a.m. and p.m. peak periods, conducted for two hours divided into 15 minute segments
 - An inventory of roadway characteristics showing the width of the principal approach streets and the presence or absence of sidewalks and their conditions
 - Estimated trip generation showing the projected inbound and outbound vehicular trips for the a.m. and p.m. peak periods and a typical one hour off peak trip generation
 - The estimated distribution of new trips by approach streets
 - The effect of additional traffic generated by the development on traffic “levels of service” on each approach street
 - Estimated off-street parking and loading requirements and time of peak accumulation

In addition to the submission requirements outlined in this section, the SPGA may impose additional submission requirements through the adoption of Rules and Regulations for a PD District rezoning

Administrative Requirements: Thirty (30) copies of all documents must be submitted to the SPGA no later than fourteen (14) business days prior to meetings at which the proposed amendment will be considered. Documents shall also be made available electronically for access by the general public.

PD Special Permit Requirements

Development pursuant to a PD District rezoning is subject to the approval of a PD Special Permit as outlined below

1. An application for a PD Special Permit under this section shall be made to the City Clerk by submitting thirty (30) copies of all submission material and paying the required submission fee. Circulation of the PD Special Permit application to City Departments shall follow the requirements as outlined in Section 255-169 (Circulation to Other Boards).
2. *Submission Fee.* The SPGA shall specify a submission fee for a PD Special Permit in

its Rules and Regulations and in no case shall the fee be less than \$850.00.

3. *Site Development and Use Plan Requirements:* The Site Development and Use Plan shall include all of the material and information contained in the Preliminary Plan with the following modifications and additions:
 - All information typically required on a site plan in accordance with Section 255-168.
 - A utilities plan showing the location, size, materials and connections to the City's utilities.
 - A property rights plan based on an instrument survey identifying parcels, if any, to be conveyed to the City by deed or easement.
 - A site grading plan showing proposed changes in contours and identifying landscaping materials, species of plants and sizes and specific plans for any common open space.
 - A traffic analysis including proposed mitigating measures, if any, to maintain an acceptable traffic level of service.
 - Preliminary drafts of any deed, easement, offer or agreement to carry out any special condition.
 - Such information as the SPGA may specify in its Rules and Regulations or in response to questions which may arise in the course of public hearings.

Criteria for Approval

The SPGA may approve the PD Special Permit if the SPGA finds that all the following conditions are met:

1. The Site Development and Use Plan is substantially in conformance with the PD Rezoning Ordinance approved by the City Council. The SPGA may permit insubstantial changes in view of the more detailed survey and engineering design provided that they do not conflict with the intent of the PD Rezoning Ordinance.
2. The PD Rezoning Ordinance approved by the City Council and the Site Development and Use Plan are incorporated into the PD Special Permit by reference.
3. Methods satisfactory to the SPGA of ensuring the performance of any special conditions included in the PD Rezoning Ordinance have been submitted by the developer.
4. Any land designated as common open space on the PD Rezoning Ordinance shall, at the SPGA's discretion, be either conveyed to the City or protected by an easement

granted to the City.

5. The SPGA reserves the right to require that up to 30% of all new housing units be made affordable to persons of low and moderate income, according to the standards of the State and/or City, as determined by the SPGA.
6. The project meets the evaluation criteria specified in this Section and the SPGA's Rules and Regulations.
7. The SPGA in granting a PD Special Permit may impose such additional conditions as the SPGA finds will serve the public interest and are consistent with the intent of the PD Rezoning Ordinance.
8. The SPGA may deny an application for PD Special Permit and base its denial on the finding that the development proposed in the Site Development and Use Plan did not meet one or more of these criteria for approval.
9. In the event the SPGA determines that the Site Development and Use Plan is not in substantial conformance with the PD Rezoning Ordinance, the application for a PD Special Permit shall be denied. The applicant shall be required to submit a new PD Rezoning Ordinance and zoning amendment to the City Council in order to proceed.
10. Public infrastructure in an approved PD plan required by the SPGA shall be subject to bonding requirements set forth in the planning board regulations for a definitive plan.

Changes in a Site Development and Use Plan

Changes in uses or substantial changes in the site development from that shown on the Site Development and Use Plan, referenced in the PD Special Permit are not permitted without the approval by the SPGA. A new PD Rezoning Ordinance must be submitted in accordance with the procedures outlined herein.

255-168: APPLICATION FOR PLAN APPROVAL

In Sub-zone A, any application for plan approval shall meet the requirements for the Downtown Smart Growth Overlay District.

In Sub-zone B, any application for plan approval shall meet the regulations as set forth in Section 255-146 of the Merrimack Street Gateway Renaissance Overlay District.

Applications in all other Sub-zones shall meet the following:

Required Submittals

By-Right (Site Plan Review - Major) and Special Permit Plan Approval

The application for Plan Approval, either by-right (major) or special permit, shall be accompanied by 20 copies of the following plans and documents, which shall demonstrate consistency with the standards as set forth in this WD. All site plans shall be prepared by a certified architect, landscape architect, and/or civil engineer registered in the

Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals 40 feet (1" = 40') or larger, or at a scale as approved in advance by the Plan Approval Authority, and shall show the following:

1. The perimeter dimensions of the lot; Assessor's Map, lot and block numbers
2. All existing and proposed buildings, structures, building setbacks, parking spaces driveway openings, distance between buildings, plan view exterior measurements of individual buildings, driveways, service areas and open areas.
3. Internal roads, sidewalks and parking areas (width dimensions of paving and indication of number of parking spaces).
4. All facilities for sewage, refuse and other waste disposal and for surface water drainage
5. All proposed landscaping features, such as fences, walls, planting areas and walks on the lot and tract
6. Existing major natural features, including streams, wetlands and all trees six inches or larger in caliper (caliper is girth of the tree at approximately waist height).
7. Scale and North arrow (minimum scale of one inch equals 40 feet)
8. Total site area in square footage and acres and area to be set aside as public open space, if appropriate.
9. The proposed residential density in terms of dwelling units per acre and types of proposed commercial uses in terms of the respective floor area, and recreation areas, and number of units proposed by type: number of one-bedroom units, two-bedroom units, etc., if appropriate
10. Location sketch map (indicate surrounding streets and properties and any additional abutting lands owned by the applicant)
11. Representative elevation sketches of buildings (indicate height of building and construction material of the exterior façade).
12. Typical unit floor plan for residential uses. (Floor plan should be indicated for each type of unit proposed: either one bedroom, two bedrooms or more.) The area in square feet of each typical unit should be indicated.
13. Developer's (or his representative's) name, address and phone number
14. Any other information which may include required traffic, school, and/or utilities impact study and in order to adequately evaluate the scope and potential impacts of the proposed project.

Rehabilitation Plan: For those buildings where living quarters are to be rehabilitated or areas to be converted into living quarters, in addition to the required site plan, nine copies of the following described plan shall be furnished:

1. A floor plan of each floor on which remodeling is to be done or areas converted in living quarters
2. A floor plan showing the stairways, halls, door openings into the halls and exit doors of each floor or floors where remodeling or converting is to be done
3. An elevation of the parts of the building where outside stairways or fire escapes are to be located. The plans and elevations shall be clearly illustrated. The size of each

plan shall be 11 inches by 17 inches or 22 inches; it shall be drawn to a scale of 1/4 inch equals 1 foot.

By-Right (Site Plan Review - Minor) Plan Approval

The application for plan approval shall be accompanied by seven (7) copies of a site plan. All site plans shall show the following:

1. The perimeter dimensions of the lot; Assessor's Map, lot and block numbers
2. All existing and proposed buildings, structures, building setbacks, parking spaces driveway openings, distance between buildings, plan view exterior measurements of individual buildings, driveways, service areas and open areas.
3. Internal roads, sidewalks and parking areas (width dimensions of paving and indication of number of parking spaces).
4. All facilities for sewage, refuse and other waste disposal and for surface water drainage
5. All proposed landscaping features, such as fences, walls, planting areas and walks on the lot and tract
6. Existing major natural features, including streams, wetlands and all trees six inches or larger in caliper (caliper is girth of the tree at approximately waist height).
7. Scale and North arrow (minimum scale of one inch equals 40 feet)
8. Total site area in square footage and acres and area to be set aside as public open space, if appropriate.
9. Any other information which may include required traffic, school, and/or utilities impact study and in order to adequately evaluate the scope and potential impacts of the proposed project if deemed necessary by the Economic Development Director.
10. Developer's (or his representative's) name, address and phone number

255-169: PROCEDURES

Filing

An applicant for Special Permit Plan Approval or By Right (site plan review-- Major) shall file thirty (30) copies of the application and all required submittals including notice of the date of filing with the City Clerk on behalf of the PAA.

An applicant for By-Right Plan (Site Plan Review – Minor) Approval shall file the application and all required submittals, including notice of the date of filing with the City Clerk. The applicant shall also file twenty (20) copies of the application and the other required submittals with the Economic Development Director on behalf of the PAA.

An applicant for By-Right (Site Plan Review - Minor) Plan Approval shall file the application and all required submittals with the Economic Development Director.

Circulation to Other Boards

Upon receipt of the Application for Special permit plan approval or By-Right (Site Plan Review - Major) Plan Approval, the City Clerk shall immediately provide a copy of the application materials to the City Council, the Planning Board, the Board of Appeals, the Board of Health, the Conservation Commission, the Fire Department, the Police

Department, the Building Commissioner, the Department of Public Works, the Economic Development Department, and the Community Development Division. Furthermore, the Economic Development Director or City Clerk may obtain comments pertaining to design from an architect if deemed necessary by the Economic Development Director. Any such board, agency, or officer shall provide written comments within sixty (60) days of its receipt of a copy of the plan and application for approval, or within thirty (30) days of such receipt in the case of a preferred project. Furthermore, the Economic Development Director shall determine within 10 (ten) days of receipt of either a by-right or special permit application, whether the project described in the application constitutes a preferred project and shall inform the applicant of such.

In the case of a By-Right (Site Plan Review - Minor) Plan Approval, the Economic Development Director shall immediately provide a copy of the application materials to the Board of Health, the Conservation Commission, the Fire Department, the Police Department, the Building Commissioner, the Department of Public Works, the Economic Development Department, and the Community Development Division. Furthermore, the Economic Development Director or City Clerk may obtain comments pertaining to design from an architect if deemed necessary by the Economic Development Director. The Departments shall provide comment within thirty (30) days or in the case of a preferred project within (15) days. Furthermore, the Economic Development Director shall determine within ten (10) days of receipt of the application materials whether the project described in the application constitutes a preferred project and shall inform the applicant of such.

Hearing for By-Right (Site Plan Review - Major) or Special Permit

For a By-Right (Site Plan Review - Major) or Special Permit, the PAA shall hold a public hearing for which notice has been given as provided in MGL c. 40A, §11. The decision of the PAA shall be made, and a written notice of the decision filed with the City Clerk, within 120 days of the receipt of the application by the City Clerk, or within seventy-five (75) days of the receipt of the application by the City Clerk in the case of a preferred project. The required time limits for such action may be extended by written agreement between the applicant and the PAA, with a copy of such agreement being filed in the office of the City Clerk. Failure of the PAA to take action within said 120 days or seventy-five (75) days in the case of a preferred project or extended time, if applicable, shall be deemed to be an approval of the application and site plan.

Review for by right plan(site plan review ---minor)

Review for By-Right(site plan review ---Minor) shall be conducted at a regular meeting of the Planning Board

255-170: DECISION

Waivers

Except where expressly prohibited herein, upon the request of the applicant, the PAA may waive dimensional and other requirements of this Section in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the WD or if the PAA finds that such waiver will allow the project to better achieve the intent and overall purposes of this Section.

Special Permit Plan Approval

An application for Special Permit Plan Approval shall be reviewed for consistency with the purpose and intent of this section and shall follow the requirements as set forth in this zoning ordinance for approval of a special permit by the City Council.

By-Right Plan (Site Plan Review - Major) Approval

An application for By-Right (Site Plan Review - Major) Approval shall be reviewed for consistency with the purpose and intent of this section and such plan review shall be construed as an as-of-right review and approval process.

Plan approval shall be granted where the PAA finds by vote of the City Council that

1. The applicant has submitted the required fees and information as set forth in this Section;
2. The project and site plan meet the requirements and standards as set forth in this Section or a waiver has been granted therefrom;
3. Extraordinary adverse potential impacts of the project on nearby properties have been adequately mitigated

If all of the above requirements are not met, the plan shall not be approved.

By-Right Plan (Site Plan Review - Minor) Approval

An application for By-Right (Site Plan Review – Minor) Approval shall be reviewed for consistency with the purpose and intent of this section and such plan review shall be construed as an as-of-right review and approval process. The PAA shall provide the applicant with a decision within forty (40) days of the receipt of the application or in the case of a preferred project within twenty-five (25) days.

Form of Decision

By-Right (Site Plan Review - Major) or Special Permit Plan Approval

The PAA shall issue to the applicant a copy of its decision for a By-Right (Major) or Special Permit Plan Approval containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision and certifying that a copy of the decision has been filed with the City Clerk and that all plans referred to in the decision are on file with the PAA. If 20 days have elapsed after the decision has been filed in the office of the City Clerk without an appeal having been filed or if such appeal having been filed is dismissed or denied, the City Clerk shall so certify on a copy of the decision. If a site plan is approved by reason of the failure of the PAA to timely act, the City Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.

By-Right Plan (Site Plan Review - Minor) Approval

The PAA shall issue to the applicant a copy of the decision for By-Right Plan (Minor) Approval containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision.

255-171: CHANGE IN PLANS AFTER APPROVAL

Minor Change

After either By-Right or Special Permit Plan Approval, an applicant may apply to make minor changes involving minor utility or building orientation adjustments, lighting or façade adjustments, or minor adjustments to parking, landscaping, or other site details that do not affect the overall massing, final build-out or building envelope of the site and do not materially affect the open space from that shown on the previously approved site plan and do not increase the number of dwelling units in the project in the aggregate form that was provided in the original plan approval. Plans showing such minor changes and an application must be submitted to the Economic Development Director. The Economic Development Director shall make a determination as to whether the changes constitute a minor change and may authorize such changes in writing to the applicant. The Economic Development Director shall set forth any decision to approve or deny such minor changes in writing within thirty (30) days after the applicant has filed its application and shall provide a copy of its decision to the applicant for filing with the City Clerk.

Major Change

Those changes deemed by the Economic Development Director to constitute a major change because of the nature of the change in relation to the prior approved plan or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for By-Right (Site Plan Review - Major) approval or Special Permit Plan Approval pursuant to this Section.

255-173: ENFORCEMENT AND APPEAL

The provisions of the WD shall be administered by the Building Inspector, except as otherwise provided herein. Any appeal arising out of action by the PAA regarding application for a by-right plan approval shall be governed by the provisions of MGL c. 40A applicable to as-of-right projects which have been subject only to a non-discretionary site plan review not involving or requiring any special permit and shall be made to a court of competent jurisdiction as set forth in MGL c. 40A, Section 17. Any other request for enforcement or appeal regarding an application for a Special Permit Plan Approval arising under this Section shall be governed by the applicable provisions of MGL c. 40A.

255-174: SEPARABILITY

If any provision of this Article is found to be invalid by a court of competent jurisdiction, the remainder of Article XVI shall remain in full force. The invalidity of any provision of this Article shall not affect the validity of the remainder of the City's Zoning Ordinance.

Item 3: At the end of Article VII, add the following:

Section 255-41.2: SIGNS PERMITTED IN THE WATERFRONT DISTRICT (WD)

All signage shall follow the requirements as set forth in Article VII of the Haverhill Zoning Ordinance. In addition, projects in the WD must meet the following:

Signs

1. One wall sign or one two sided projecting sign for each building frontage of each establishment shall be permitted.
2. All signs within the WD shall have a total sign area of one square foot for each lineal foot of respective individual store or establishment frontage, not to exceed a maximum area of forty-five (45) square feet.
3. For buildings that have rear frontage on either Wall Street or the Merrimack River, those buildings shall be permitted one additional sign per establishment that has access from the rear of the building. The maximum area of such rear sign shall not exceed 50% of the maximum area permitted for a front sign of the same establishment in the building and shall not be counted toward the total signage permitted for the building..
4. All signs shall reinforce the architectural integrity of any building
5. Signage design should respect buildings' context and be oriented to pedestrians
6. Wall signs shall be placed no higher than the first floor of a building in order to achieve a pedestrian scale in the downtown.
7. Light sources from externally illuminated signs shall not be visible or create a glare.
8. Illuminated signs shall require special approval of the PAA.
9. Electric/electronic signs shall require special approval of the PAA.
10. All two sided projecting signs shall be mounted perpendicular to the storefront and shall not extend above the parapet wall of the storefront building
11. Roof signs are prohibited
12. No freestanding permanent signs are permitted in the WD

Awnings

1. Awnings shall be designed to project over individual window and door openings and not project as a single continuous feature extending over architectural piers or arches.
2. The lowest point of any awning shall be a minimum of 8 feet above the sidewalk or ground over which it projects
3. Text and graphics shall comprise of no more than 20% of the total exterior surface of the awning face and valance
4. The percentage of text and graphics on an awning shall also count toward the overall tenant space's square footage allowance for signs
5. Valances shall be no more than 10 inches in height
6. Text and graphics on a valance shall be no larger than 8 inches. There shall remain 1 inch of negative space on the top and bottom of a valance
7. Awning materials with reflective or shiny finishes are prohibited
8. Architectural fabric, in a matte finish, suitable for outdoor use must be used and shall cover the front of the awning frame

- 9. The awning frame shall be constructed of steel or aluminum
- 10. Awnings cannot contain back-lit graphics or be backlit from the interior of the awning

If any of the above conflict or is more restrictive than a regulation as set forth in Article VII, the above shall apply.

Item 4: At the end of Article VIII, add the following:

Section 255-55.1: PARKING REQUIREMENTS IN THE WATERFRONT DISTRICT (WD)

The parking requirements in Sub-Zone B shall follow the regulations as set forth in Section 255-144 of the Merrimack Street Gateway Renaissance Overlay District.

There is no off street parking requirement in sub-zones A, C, and D except for the following:

- Multi-family Residential: 1 parking space per unit
- Artist Live/Work Unit: 1 parking space per unit

The parking requirements in sub-zones E, F, G, and H are as follows

USE	PARKING REQUIREMENT
Multi-family Residential	1.5 parking spaces per unit
Artist Live/Work Unit	1.5 parking space per unit
Galleries	1 space for every 250 square feet of gross floor area
Retail use primarily serving the local retail businesses or service the needs of the neighborhood including but not limited to barber/beauty shop, shoe repair shop, self service laundry, pick up or delivery station of laundry or dry cleaning, or tailor shop	1 space for each 200 square feet of gross floor area
Retail use selling one or more of the following, but not limited to: food, baked goods, groceries, clothing, dry goods, books, art, flowers, paint, hardware, and minor household appliances	1 space for each 200 square feet of gross floor area
Retail uses exceeding 50,000 square feet of gross floor area	1 space for each 200 square feet of gross floor area
Restaurant, coffee shop, diner, luncheonette and/or	1 space for every 3 seats

sandwich shop (non drive through) with outdoor seating oriented toward the river where applicable	
Bar (no live entertainment and/or dancing)	1 space for every 3 seats
Dairy or Ice Cream bar (non drive through window)	1 space for every 3 seats
Bank and/or other Financial Institutions (with or without a drive through)	1 space for each 250 square feet of gross floor area
Inn, Hotel, or Bed and Breakfast Establishment	1 space per unit
Marinas	0.6 space per recreational slip and 1 space per commercial slip
General office uses unless otherwise specified	1 space for each 300 square feet of gross floor area
Professional offices – Accountant’s office, Architect and/or engineer’s office, Attorney’s office, Dentist’s office, Insurance office, Medical Clinic, Real Estate office	1 space for each 250 square feet of gross floor area
Churches and other places of worship	1 space for each 4 seats at design capacity
Nonprofit educational facility which is religious, sectarian, denominational or public, not to include any student living quarters or any type of trade school or nursery school	2 per classroom in an elementary school; 3 per classroom in a middle and junior high school; 4 per classroom, plus 1 space for every 4 seats of the total seating capacity of the auditorium or gymnasium, whichever has the largest capacity, in a senior high school
City governmental building (unless otherwise specified)	1 space for each 300 square feet of gross floor area
City Auditorium	1 space for each 4 seats at design capacity
Historical association or society	1 space for each 300 square feet of gross floor area
Hospital	1.25 per bed at design capacity
Membership clubs, lodges and/or societies	1 space for every 3 seats
Indoor recreational facility or sports facility	1 space for each 300 square feet of gross floor area
Cultural uses such as a library, museum, gallery, concert hall, theater, auditorium, performance space, aquarium, or historical exhibit open to the public generally	1 space for each 250 square feet of gross floor area
Professional and/or business schools for profit (includes dance, music, art, other professional and/or business schools)	2 per classroom in an elementary school; 3 per classroom in a middle and junior high school; 4 per classroom, plus 1 space for every 4 seats of the total seating capacity of the auditorium or gymnasium, whichever has the largest capacity, in a senior high school

The parking requirements may be accommodated by either providing parking on site or off site or a combination of on site parking and/or parking at municipal or other parking facilities in the vicinity of the proposed use.

If the required parking is provided on site, the design of the parking shall conform to the specifications as set forth in §255-45 the Zoning Ordinance. In addition, on site parking areas shall meet the following requirements:

1. Parking and loading areas shall be hidden from view from public ways. Parking lots are not permitted in the front of buildings and should be located at the side or rear of a lot or in concealed structures, wherever possible.
2. Parking and loading areas shall be suitably screened visually from the street and abutters. Any views into parking areas shall be minimized through use of landscaping or architectural treatment.
3. Parking areas shall provide pedestrian walkways and connections to the sidewalk system.

If the required parking is provided at municipal or other parking facilities, the following requirements must be met:

1. 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.
2. If using a municipal facility, the owner must purchase parking stickers from the city if available or lease the required number of spaces to satisfy the parking requirement.

Reduction in the Parking Requirement

The required amount of parking may be reduced at the discretion of the PAA upon showing that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that the lesser amount of parking will provide positive environmental or other benefits.

The Plan Approval Authority may consider:

1. The availability of surplus off-street parking in the vicinity of the use being served and/or the proximity of a bus or an MBTA transit station
2. The availability of public or commercial parking facilities in the vicinity of the use be
3. Shared use of off-street parking spaces serving other uses having peak user demands at different times
4. Age, income or other characteristics of the likely applicants which are likely to result in a lower level of auto usage
5. Such other factors as may be considered by the Approval Authority, including whether the reduction of the parking requirement is likely to encourage the use of public transportation or encourage a proposed development to be more pedestrian friendly

If one or more is applicable and the PAA determines it is in the best interest of the City; a reduction in the parking requirements can be approved.

Shared Parking in Sub-Zone E

Any off-street parking required by this Ordinance in Sub-Zone E for any building or use may be included as part of any off-street parking area similarly required for another building or use on the same site only when the type of buildings or uses indicate that the usage of such parking area would not occur simultaneously, as determined by the Economic Development Director.