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For Hearing Zoning Wipod June 26 2012

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CITY OF HAVERHILL

In Municipal Council June 26 2012

XXXXXXXX MUNICIPAL ORDINANCE CHAPTER

WATERFRONT INTERIM PLANNING OVERLAY DISTRICT

TO SEE IF THE CITY COUNCIL WILL VOTE TO AMEND THE ZONING ORDINANCE BY MAKING THE FOLLOWING CHANGES REGARDING THE WATERFRONT INTERIM PLANNING OVERLAY DISTRICT:

Item 1. At the end of Section 255-7 add the following:

Special	Waterfront Interim Planning Overlay District	WIPOD

Item 2. Add a new Section 255-18.2, as follows:

SECTION 255-18.2 WATERFRONT INTERIM PLANNING OVERLAY DISTRICT

A. PURPOSE. The purpose of the Waterfront Interim Planning Overlay District (WIPOD) is to provide a temporary zoning and regulatory system for the development of land within the district while the City engages in comprehensive planning studies. Downtown Haverhill's waterfront along the Merrimack River has been the subject of significant commercial and residential growth. Such growth may have an adverse impact on the natural environment, the City's infrastructure and service capacity, traffic, the local economy, neighborhood character, and open space. The WIPOD provides a mechanism to allow for growth that promotes sound land use planning goals and objectives during the course of the City's comprehensive planning studies.

B. APPLICABILITY. The WIPOD shall be construed as an overlay district. All requirements of the underlying zoning districts shall remain in full force and effect, except where the requirements of the WIPOD are more restrictive; in such cases, the requirements of the WIPOD shall supersede and, where applicable, provide standards and requirements in addition to those set forth in the underlying zoning regulations.

C. USE RESTRICTIONS. The following uses shall require a special permit from the City Council pursuant to this Section 255-18.2:

1. The development of two (2) or more dwelling units, whether attached or detached, in a single calendar year on a property, or set of contiguous properties, in common ownership or control on the effective date of this Section 255-18.2;

2. The development of more than 2.000 gross square feet of nonresidential space, regardless of the use;

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3. Alteration, expansion, or change to any existing nonresidential building, structure or use that will result in the development of more than 2,000 gross square feet of new space, regardless of the use:

4. Any nonresidential development requiring the provision of five (5) or more new parking spaces.

D. EXEMPTIONS. The following uses are specifically exempt from this Section 255-18.2:

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;

E. SPECIAL PERMIT CRITERIA. In addition to any standards and criteria set forth elsewhere in this Ordinance, the City Council shall consider, in assessing an application for a special permit in the WIPOD, the impact of the proposed development upon the following:

1. The promotion of physical access to or along the Merrimack River. The ordinance shall be interpreted so as to encourage physical access by the public to the river and to discourage developments which prevent or block physical access to the river.

Physical access may include but not be limited to the following:

Public an/or private dock, marina and wharfs along the river;
Public walkways along the river;
Public access to boardwalks, walking and biking trails, and walkways along the river;
Easements and licenses for the public to gain access to the river
Other legal mechanisms which provide for public physical access to the river;

2. The promotion of visual access to or along the Merrimack River;

3. Downtown character, including building design, architecture, and visual aesthetics;

4. Municipal services, including water, sewer, drainage, parks, and open space;

5. Consistency with the City's Master Plan goals and objectives for the Downtown waterfront.

F. DECISION. The City Council may grant a special permit upon a determination, after consideration of all of the factors set forth in Section 255-18.2.E, that the proposed development will not adversely impact the WIPOD during the term of this Section 255-18.2, as set forth below.

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G. CONDITIONS. In addition to any other conditions authorized by the Ordinance, the City Council may grant a special permit in the WIPOD subject to on or more of the following conditions:

1. The provision of an easement benefiting the City to or along the Merrimack River;

2. The siting of buildings or improvements so as to promote visual access to the Merrimack River;

3. The siting of proposed construction perpendicular to the Merrimack River;

4. Other measures to promote the City's Master Plan goals and objectives for the Downtown waterfront.

H. TIME LIMITATION. The provisions of this Section 255-18.2 shall expire six months from the date of adoption; provided, however, that by vote of the City Council before said date, the provisions of this Section 255-18.2 may be extended for an additional six months in order to continue municipal comprehensive planning studies necessary to promote orderly growth in the WIPOD. In the event such action is taken by the City Council prior to expiration, these provisions shall not be construed to have lapsed on such date.

I. SEPARABILITY. The provisions of this Section 255-18.2 are hereby declared separable and if any provision shall be held invalid or unconstitutional, it shall not be construed to affect the validity or constitutionality of any of the remaining provisions of this Section 255-18.2.

NOT PASSED and
REFER TO PLANNING & DEVELOPMENT
Attest: [signature]

City Clerk