

## CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

APRIL 11, 2016

## A ZONING ORDINANCE TO IMPROVE RECORD-KEEPING AND COORDINATION

Be it ordained by the City Council of the City of Newburyport as follows:

*Amend existing Section X-C.3., as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:*

3. *Records.* The inspector of buildings shall maintain a permanent public record of all matters considered, and all action taken by him ~~his or her office~~. ~~All~~ and such records, as well as the permanent public record of all matters considered and all action taken pursuant to this zoning ordinance, or chapters 5, 12 or 16 of the Newburyport Code, by any city official, board, commission, or department and maintained by it, shall be deemed to form a part of the records of ~~his office~~ the inspector of buildings.

An individual permanent file for each application by street address for a permit provided for by this ordinance shall be established at the time the application is made. Said file shall contain one (1) copy of the application and all supporting documents, maps, and plans; notations regarding pertinent dates and fees, and the like; as appropriate, one (1) copy of the ~~resolution~~ written decisions (including any associated drawings and specifications) by the board of appeals ~~any city official, board, commission, or department~~ in acting on the application; and the date the permit applied for was issued or denied by the inspector of buildings.

*Amend existing Section X-D. -- Permits, as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:*

**X-D. – Permits.**

It shall be unlawful for any owner or person to erect, construct, reconstruct, or alter a structure, including a sign, or change the use or lot coverage, increase the intensity of use, or extend or displace the use of any building, or the structure of lot without applying for and receiving from the inspector of buildings the required building permit therefore. For purposes of administration, such permit and application procedure involving a structure may be made at the same time and combined with the permit required under the building code.

An application for a permit shall be accompanied by a plan as outlined in section XVII-B, as well as complete copies of any relevant written decisions in the public record (including any associated drawings

and specifications) issued by any city official, board, commission, or department pursuant to this zoning ordinance, or chapters 5, 12 or 16 of the Newburyport Code, and applicable to a lot where work proposed under such permit is to occur. The inspector of buildings shall take action on an application for a permit, either granting the permit or disapproving the application, within thirty (30) days of receipt of the application.

No permit shall be issued under this section if the building, structure or lot as constructed, altered, relocated or used would be in violation of any provision of this ordinance, including, without limitation, all conditions, provisos, and design details (including as shown on any associated drawings or specifications) required through action by any city official, board, commission, or department pursuant to this zoning ordinance, or chapters 5, 12 or 16 of the Newburyport Code, and applicable to a lot where work proposed under such permit is to occur. Whenever such permit or license is refused because of some provisions of this ordinance, the reason therefore shall be clearly stated in writing.

*Certificate of occupancy.* No building hereafter erected, altered substantially in its use, or extent, or relocated shall be used or occupied, and no change shall be made of the use of any building or of any parcel of land, unless a certificate of occupancy signed by the inspector of buildings has been granted to the owner or occupant of such land or building. Such certificate shall not be granted unless the proposed use of the land and building and all accessory uses comply in all respects with this ordinance, including, without limitation, all conditions, provisos, and design details (including as shown on any associated drawings or specifications) required through action by any city official, board, commission, or department pursuant to this zoning ordinance, or chapters 5, 12 or 16 of the Newburyport Code, and applicable to a lot where work proposed under such permit is to occur, and no use shall be made of such land or building that is not authorized by such certificate of occupancy.

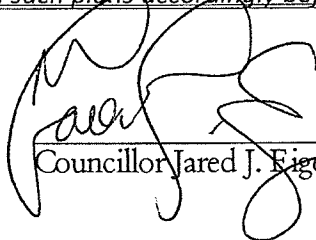
Applications for certificates of occupancy and compliance shall be filed ~~coincident with the application for building permits and~~ after construction is substantially complete and prior to occupancy. A certificate of occupancy shall be issued or refused in writing for cause within five (5) days after the inspector of buildings has been notified in writing by registered mail that the erection or alteration of such buildings has been completed. Failure of the inspector of buildings to act within five (5) business days of receipt of said notification shall be deemed to constitute approval of the application for a certificate of occupancy. Buildings accessory to dwellings when completed at the same time shall not require a separate certificate of occupancy. Pending the issuance of a regular certificate, a temporary certificate may be issued for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building, pending its completion. No temporary certificate shall be issued prior to its completion if the building fails to conform to the provisions of the building code and state laws or of this ordinance to such a degree as to render it unsafe for the occupancy proposed.

***Amend existing Section XVII-C. – Plans to accompany building permits, as follows, with deletions ~~double-stricken through~~, and additions double-underlined:***

#### **XVII-C. – Plans to accompany building permits.**

Accurately drawn plans, showing the actual shape and dimensions of the lot to be built upon, the exact location and size of all buildings or structures already on the lot, the location of new buildings or structures to be constructed, together with the lines within which all buildings or structures are to be erected, the existing and intended use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of this ordinance shall be submitted with all

applications for a building permit. All such plans shall comply with all conditions, provisos, and design details (including as shown on any associated drawings or specifications) required through action by any city official, board, commission, or department pursuant to this zoning ordinance, or chapters 5, 12 or 16 of the Newburyport Code, and applicable to a lot where work proposed under such permit is to occur. It shall be the duty of the applicant to update all such plans accordingly before final permit approval.



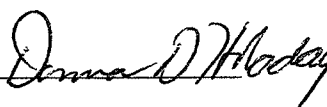
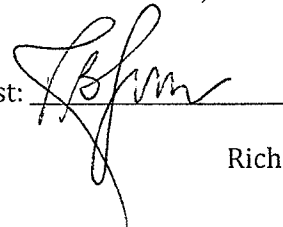
Councillor Jared J. Eigerman

In City Council May 31, 2016:

Motion to remove by Councillor Cameron, seconded by Councillor Giunta. Motion to approve by Councillor Cameron, seconded by Councillor Zeid. Motion to amend by Councillor Zeid, seconded by Councillor Cronin, withdrawn. Motion to amend Section X-D, Paragraph 2, Line 2 by Councillor Zeid, seconded by Councillor Cronin. Motion to approve as amended by Councillor Cameron, seconded by Councillor Zeid.

In City Council June 13, 2016:

Motion to suspend Council rule # 9, to receive and file ODNC001\_01\_25\_16, ODNC004\_01\_25\_16, ODNC005\_02\_08\_16, ODNC007\_04\_11\_16, and ODNC009\_04\_25\_16 collectively, by Councillor Eigerman, seconded by Councillor Zeid. Withdrawn. Motion to suspend Council rule # 9, to approve ODNC001\_01\_25\_16, ODNC004\_01\_25\_16, ODNC005\_02\_08\_16, ODNC007\_04\_11\_16, and ODNC009\_04\_25\_16 collectively, by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 11 Yes.

Approve:  Attest: 

Donna D. Holaday, Mayor

Richard B. Jones, City Clerk

Date: 6/23/2016