

September 13, 2021

ORDERED:**A ZONING ORDINANCE TO CLARIFY THE EFFECT OF PUBLIC PURPOSE TAKINGS**

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

Amend (1) existing Section VI-A – General regulations, and (2) existing Section VI-B – Lot areas, as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:

VI-A. – General regulations.

Any structure hereafter altered, constructed, erected, placed, or converted for any use in any district shall be located on a lot only in conformance with the minimum requirements listed on the Table of Dimensional Requirements, below, and the other regulations under this Section VI~~dimensional controls table and regulations in section VI-B~~ unless specifically allowed by special permit or variance under the provisions of M.G.L. c. 40A, §§ 9 and 10 and of this Zoning Ordinance~~the special permit granting authority under a variance procedure or~~ or, in the case of nonconforming uses, structures or lots, in accordance with the provisions of M.G.L. c. 40A, § 6 and of this Zoning Ordinance~~section IX of the ordinance~~.

Minimum lot area, street frontage, setbacks, heights, lot coverage, and useable open space shall be as set forth in Table of Dimensional Requirements, below, which is hereby made part of this ordinance. In the case of a dimensional requirement under this Zoning Ordinance that conflicts with that set forth in such Table, the more restrictive shall apply.

No building, structure, or part thereof shall be constructed, altered, moved, added, or reconstructed, except in accordance with the Table of Dimensional Requirements, below, or as exempt therefrom by other provisions of this ordinance, and no buildable or built-upon lot shall be subdivided, altered, or reduced, except by taking by eminent domain or conveyance for a public purpose for which a taking by eminent domain could have been made, so as to

~~result in a violation of the requirements of such Table. No lot upon which any building or structure stands in conformance with this ordinance shall be changed for any reason in size or shape so as to violate the provisions of this ordinance.~~

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VI-B. – Lot areas.

- A. The lot or yard areas required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provisions of this ordinance, nor may these areas include any property of which the ownership has been transferred subsequent to the effective date of this ordinance if such property was a part of the area required for compliance with the dimensional regulations applicable to the lot from which such transfer was made.
- B. Lots shall not be separated or transferred in ownership with the result that they no longer so as not to comply with the provisions of this ordinance, except by taking by eminent domain or conveyance for a public purpose for which a taking by eminent domain could have been made.
- C. In addition to the minimum lot area and frontage requirements, lots shall be laid out in such a manner so that a square, with sides equal to eighty (80) percent of the minimum frontage requirement for the zoning district in which it is located, can be placed within the lot with at least one point of the square lying on the front lot line with no portion of the square extending beyond the boundaries of the lot.

Councillor Jared J. Eigerman

In City Council September 13, 2021:

Motion to Planning & Development by Councillor Zeid, seconded by Councillor Connell. So voted.