

## CITY OF NEWBURYPORT



IN CITY COUNCIL

August 28, 2023

*(As Amended with the Planning Board in Committee on 10/4/2023)***ORDERED:****A ZONING ORDINANCE AMENDMENT TO PERMIT INDOOR AND OUTDOOR RECREATIONAL USES IN A LIMITED PORTION OF THE NEWBURYPORT BUSINESS PARK**

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

WHEREAS, The Newburyport City Council works to encourage indoor and outdoor and recreational activities for all residents in appropriate locations within the City; and

WHEREAS, there are currently limited areas within the City to provide for the development, creation or expansion of said indoor and outdoor recreational uses.

WHEREAS, a few similar uses already exist within a limited portion of the Newburyport Business Park (*more particularly along the corridor created by Graf Road and Parker Street*).

THEREFORE, LET IT BE ORDAINED THAT Sections V-D (Table of Use Regulations), VI-A (Dimensional Controls), and VII-B(Parking Requirements) be amended and revised, pursuant to Section XII-B (Adoption and Amendment) to read as follows, with deletions ~~stricken through and bold~~ and additions **double underlined and in bold** as follows:

**Section V-D – Table of Use Regulations**

USE	NUM	CON	HSR-A, HSR-B	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-1B	I-2	M	WMD	WMU
Outdoor Health and Recreational Facility (j)	305	NP	NP	NP	SP	NP	NP	NP	NP	<del>NP</del> <b><u>SP</u></b> <b><u>(k)</u></b>	<del>NP</del> <b><u>SP</u></b> <b><u>(k)</u></b>	NP	NP	NP	NP

USE	NUM	CON	HSR-A, HSR-B	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-1B	I-2	M	WMD	WMU
Indoor Health and Recreational Facility (j)	406	NP	NP	NP	NP	SP	P	P	P	<u>NP</u> <u>SP</u> <u>(k)</u>	<u>NP</u> <u>SP</u> <u>(k)</u>	NP	NP	NP	SP(e)

Add a new footnote (k) as follows:

**(k) Use permitted by Special Permit only on properties with frontage and vehicular access from Henry Graf Jr. Road, New Pasture Way and/or Parker Street (between the intersection with Henry Graf Jr. Road and easterly to the MBTA Commuter Rail Station/Clipper City Rail Trail). Otherwise prohibited in I-1 and I-1B Districts.**

**Section VI-A – General Regulations (Table of Dimensional Requirements)**

Use	Num	District	Lot Area	Street Frontage	Height	% Lot Cov.	Open Space	Front	Side	Rear
Outdoor Health and Recreational Facility	305	R-2, <u>I-1,</u> <u>I-1B</u>	196,020 (4.5 acres)  <u>60,000</u> <u>(within</u> <u>the I-1</u> <u>and I1-B</u> <u>Districts)</u>	200	30	30	NA	50	50	50
Indoor Health and Recreational Facility	406	B-1, <u>I-1,</u> <u>I-1B</u>	20,000	90	35  <u>(40</u> <u>within</u> <u>the I-1</u> <u>and I1-B</u> <u>District</u> <u>s)</u>	30  <u>(40</u> <u>within</u> <u>the I-1</u> <u>and I1-B</u> <u>District</u> <u>s)</u>	NA	20	20	20
	406	B-2	10,000	60	40	100	NA	0	0	0
	406	B-3	20,000	90	40	60	NA	20	20	20
	406	WMU	10,000	60	40	30	NA	20	20	20


**Section VII-B – Parking Requirements**


USE	NUM	PARKING REQUIREMENT
Outdoor Health and Recreational Facility	305	<p>1 per 1,000 sq ft of court or other game play area  1 per 300 sq ft of surface pool area  Parking requirements shall be cumulative for all uses on the lot</p> <p><b><u>Note: In granting a Special Permit for this use, the Planning Board may increase these parking requirements.</u></b></p>
Indoor Health and Recreational Facility	406	<p>1 per 1,000 square ft of court area or other game play area  1 per 300 sq ft of other indoor recreational areas  Parking requirements shall be cumulative for all uses on the lot</p> <p><b><u>Note: In granting a Special Permit for this use, the Planning Board may increase these parking requirements.</u></b></p>

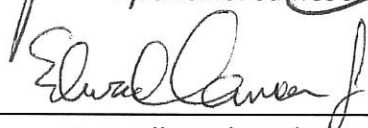
AND FURTHER, THAT a new Section VI-P be inserted within the Ordinance, said section to read as follows:

**Section VI-P – Setback for Outdoor Recreational Facilities**

**Any outdoor recreational facility shall be set back from all property lines by one-half of the required yard on the adjoining property or 25 feet, whichever is greater. This provision shall not apply to an outdoor recreational facility that (a) is accessory to a single-family or two-family dwelling, or (b) is treated as a building for setback purposes because it is enclosed for portions of the year by a retractable or mobile enclosure system.**

  
Councillor Heather L. Shand

  
Councillor James J. McCauley

  
Councillor Edward C. Cameron Jr.

**In City Council August 28, 2023:**

Motion to refer to Planning & Development and COTW by Councillor McCauley, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.

**In City Council October 30, 2023:**

Motion to approve on 1<sup>st</sup> reading by Councillor Cameron, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.

**In City Council November 13, 2023:**

Motion to approve on 2<sup>nd</sup> Reading by Councillor Wright, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.

Approve: \_\_\_\_\_

Sean R. Reardon, Mayor

Attest: \_\_\_\_\_

Richard B. Jones, City Clerk

Date: \_\_\_\_\_

12/5/2020