

ORDERED:

AN ORDINANCE TO AMEND SECTION VI-C OF THE NEWBURYPORT ZONING ORDINANCE AS TO THE NUMBER OF RESIDENTIAL STRUCTURES PERMITTED ON A LOT:

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

THAT Section VI-C of the Zoning Ordinance be amended pursuant to Section XII-B (Adoption and Amendment) to read as follows, with deletions ~~double stricken through and in bold~~, and additions double-underlined and in bold:

VI-C - ~~One~~ Number of residential ~~structure~~ buildings per lot.

- (1) Except as otherwise permitted in this Section VI-C or elsewhere in this zoning ordinance, only ~~Not more than~~ one (1) building ~~or structure intended for use as a~~ containing residential dwelling units shall be erected, placed or converted to use as such on any lot, ~~in a subdivision or elsewhere in the city without a special permit issued by the planning board pursuant to X-II.7 and X-II.8. Additionally, the following five criteria must be satisfied:~~
- (2) In a zoning district where a two-family dwelling is allowed by right or by special permit, the planning board may grant a special permit to allow two single-family dwellings on a lot, subject to the following:
- ~~(1) The application shall include conceptual by-right development plans, such as a conventional subdivision, to demonstrate to the planning board that more than one residential structure per lot is a reasonable alternative to other allowed developments of the parcel involved.~~
- ~~(2) A clear public benefit is derived from the proposed development, including but not limited to a long term restriction involving one or more of the following:~~
- ~~a. Creation of affordable housing;~~
 - ~~b. Preservation of historical structures; and/or~~
 - ~~c. Conservation of significant natural resources.~~
- (3) Unless the residential structures are located side-by-side and have the same front yard setback, then one (1) residential structure shall be subordinate to the other dwelling in appearance by meeting either of the following:

~~a. Covering at least ten (10) percent less building footprint and built no higher than the existing dwelling; or~~

~~b. Located entirely within the envelope of an accessory building in existence on the effective date of this ordinance.~~

~~(4.) The plan provides adequate ways furnishing access to each site for such building, in the same manner as otherwise required for lots within a subdivision.~~

~~(5.) The proposed residential structures shall comply with all other applicable zoning regulations.~~

a. The lot and buildings shall comply with the following development standards:

i. The proposed residential density shall comply with the lot area requirements for a two-family dwelling in the zoning district.

ii. Both residential buildings shall comply with the setback requirements for principal single family buildings.

iii. Both residential buildings shall comply with all other applicable zoning regulations.

iv. The proposed buildings shall be arranged on the lot in one of the following manners:

(a) The two residential buildings shall be located side-by-side and shall be set back no more than 10 feet further from the street than the average front yard setbacks for existing dwellings on the same block of the street on which they have frontage; or

(b) If the lot has frontage on two streets (i.e., the lot is a corner lot or a through lot), each residential building may be located fronting on a different street from the existing dwelling, provided that each building has a separate and distinct rear yard conforming to the rear yard requirement for the zoning district; or

(c) One residential building may be created by conversion of an accessory building in existence on the effective date of this ordinance, such as a garage or carriage house. In such case, the converted building shall not be increased in height, nor expanded outward other than by dormers, porches or decks not exceeding 500 square feet in total.

- b. When the lot contains an existing building listing as “Contributing” (C) within the Newburyport Historic District, the application for a special permit shall include a proposed perpetual preservation restriction on said historic building approved by the Newburyport Historical Commission.
- c. Before granting a special permit under this section VI-C, the planning board shall find that all of the following criteria are met:
- i. The design and layout of buildings and open spaces on the site will be consistent with the established character, scale, massing and density of the surrounding neighborhood.
 - ii. The buildings and accessory off-street parking areas will maintain a compatible relationship to adjacent properties in terms of location and design, and will not significantly reduce the privacy of adjacent properties.
 - iii. Developing a second residential building on the lot will be equally or more beneficial to the neighborhood than subdividing the lot or providing two dwelling units in a two-family dwelling.
- e. In granting a special permit to allow two residential buildings on a lot, the planning board may impose building size or setback standards that are more restrictive than established by the ordinance for a two-family dwelling in the zoning district.
- f. In consideration of the increase in value represented by the granting of a special permit under this section VI-C, the applicant shall make a financial contribution to the Affordable Housing Trust Fund in an amount equal to \$10.00 per sq.ft. of the additional second residential building on the lot, said payment to be made prior to the issuance of a building permit for said second residential building.

AND FURTHER, THAT the definition of “Multifamily” (Use 103) in Section V-E of the Zoning Ordinance be amended pursuant to Section XII-B (Adoption and Amendment) to read as follows, with deletions ~~double-stricken-through-and-in-bold~~, and additions double-underlined and in bold:

A building or buildings on one lot where one structure ~~that~~ contains three (3) or more dwelling units and each additional structure contains two (2) or more dwelling units on the same lot, and units within the same structure have either common floor-ceiling assemblies between the dwelling units, or Common Wall Connectors as defined in section II-B, definitions.

Councillor Heather L. Shand